



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS COMMITTEE**

ON

REWRITE OF TITLE 35

PRESENTED BY

**ELAM M. HERR
ASSISTANT EXECUTIVE DIRECTOR**

**SEPTEMBER 2, 2015
PITTSBURGH, PA**

4855 Woodland Drive Enola, PA 17025-1291 Internet: www.psats.org

PSATS Pennsylvania Township News Telephone: (717) 763-0930 Fax: (717) 763-9732

Trustees Insurance Fund Unemployment Compensation Group Trust Telephone: (800) 382-1268 Fax: (717) 730-0209

Chairman Vulakovich and members of the Senate Veterans Affairs and Emergency Preparedness Committee:

Good morning. My name is Elam M. Herr, assistant executive director for the Pennsylvania State Association of Township Supervisors. We are a non-profit and non-partisan association appearing before you today on behalf of the 1,454 townships in Pennsylvania that we represent. Thank you for this opportunity to participate today on this important issue.

Townships comprise 95 percent of the commonwealth's land area and are home to more than 5.5 million Pennsylvanians — nearly 44 percent of the state's population. These townships are very diverse, ranging from rural communities with fewer than 200 residents to more populated communities approaching 60,000 residents.

We have been actively working with the Pennsylvania Emergency Management Agency, oversight committees in both chambers, and the stakeholders since 2008 on the rewrite of Title 35 (*Health and Safety*) of the Pennsylvania Consolidated Statutes. This is an ongoing process and we have provided comments to PEMA over the years that were incorporated into various legislative proposals.

We strongly believe that local government is a partner with the state in providing critical services to our mutual residents, including all facets of emergency management and response. We understand that all levels of government have been pushed in recent years to do more and more with ever-shrinking resources, both financial and staff. Funding is a critical component since any new unfunded mandate will force local officials to reluctantly turn to their property taxpayers – the only available revenue-raising option the General Assembly has authorized – and require these taxpayers pay more.

Because all disasters are local, we believe that it is essential that funding be identified for any new obligations required of local government to prepare, respond,

recover, and mitigate and have it dedicated for any such expenses associated with the rewrite. The concern is the unfunded mandate that will be forced on municipalities and counties if statutory responsibilities are created with no state or federal funding to pay for or even offset these additional costs that political subdivisions must shoulder. While the rewrite must emphasize coordination between the various levels of government, in the end it cannot significantly increase local government's mandated expenses and responsibilities unless new funding is provided.

Another overarching concern is the hierarchy of emergency management. The accepted hierarchy has been that the federal government oversees and coordinates emergency management with the states. The state, in turn, oversees and coordinates emergency response with the counties. The counties oversee and coordinate emergency management and response with the municipalities.

In some previous rewrites, it has been suggested that the state oversee and coordinate response with not only the county, but also municipal government. However, this becomes cumbersome and counterproductive. Instead, we believe that PEMA should work in coordination with the county standards and the county should work in coordination with municipalities. While we appreciate standardized language, one size doesn't fit all, particularly in Pennsylvania. Instead, we should retain the long held functional hierarchy and span of control and response of local up to county up to state. This Commonwealth system works and calls for activation of additional levels of response as local, and then county, resources are exhausted. At the same time, if an emergency can be handled using only local or local and county resources, PEMA is not activated.

Under current law, local government has three primary responsibilities for emergency management: nominate an emergency management coordinator, adopt an emergency operations plan, and provide an emergency operations center. To provide the committee with a more detailed overview of these responsibilities, as well as examples of

best practices being used across the Commonwealth, we submit the September 2015 issue of the *Pennsylvania Township News*.

Local EMCs are currently nominated by the municipality, which provides paperwork to the county, which forwards the paperwork to PEMA, for the governor to appoint. While this process is working, earlier rewrites have proposed a simplification or streamlining of this process. Provided that the local nomination or appointment is maintained, we could support a simplification of this process, as well as the inclusion of a clear process for removing an unacceptable local EMC.

We strongly support the current local choice to cooperate and we see examples of municipalities choosing to work together to enhance their emergency management planning and response function across the Commonwealth. In past versions of the rewrite, it proposed to mandate that municipalities under 10,000 population join with a neighboring municipality for emergency management services. This proposal did not take into account that the municipality was complying with the law, or that the neighboring municipality wanted to expand its responsibility beyond its borders. As such, we oppose any attempt to mandate consolidation of services and support voluntary cooperative efforts. And to the critics that state that cooperation will not happen voluntarily we offer the following examples.

- In Erie, 11 municipalities have formed the West Erie County Emergency Management agency through intergovernmental cooperation agreements.
- In Centre County, 6 municipalities share a full-time EMC through the council of governments.
- In Luzerne County, the Back Mountain Regional Emergency Management Agency is a cooperative effort of 6 municipalities.

In addition, in many cases 2 or 3 municipalities have cooperated on a smaller scale, often by sharing an EMC. Cooperative efforts are working and mandatory consolidation is not needed, but if cooperation is preferred than funding incentives for joint operations needs to be provided, otherwise it would be opposed by our association.

We have previously opposed proposals to allow PEMA to withhold federal or state funds from a municipality that does not have a current emergency operations plan in place. While we could agree to withholding of hazard mitigation funds without an existing hazard mitigation plan, taking away response or recovery funds goes too far. Instead, PEMA should continue to provide training and tools for helping with the planning process, such as its Previstar CEMPlanner™ tool, expand access to GIS technology to assist with mapping, and use available funding to obtain needed data for planning purposes.

Another area of concern for our members is the coordination of planning. Existing law requires not only municipalities to plan for an emergency, but also school districts and nonprofits. It is imperative that these entities prepare plans that are in compliance with local plans so that when an emergency happens, response is coordinated and not disjointed.

We recognize that Pennsylvania has taken steps forward to promote better emergency management in recent years, including adopting a system of mutual aid that crosses municipal, county, and even state borders. The regional task forces play an important role and should be kept in place with state funding as federal funds dwindle. The recently created small disasters program provides key funding for truly local disasters that do not meet the criteria for federal disasters, but cause damage to public facilities beyond what insurance will cover and should be part of a rewrite, as well as the Fire Company and Volunteer Ambulance Service Grant and Loan Program.

Components of our emergency management system that should be incorporated into the rewrite of Title 35 include additional training opportunities for the emergency management community, including municipal employees frequently activated in response to a disaster, such as public works, which provide traffic control when police are not available, as well as response for local storms. Training should focus on the proven all-hazard planning platform to ensure coordination of all responders.

We need to make sure that we have interoperable communications, as it is absolutely critical that our first responders and EMCs at the local and county level can communicate in a disaster with each other, as well as to any state or federal responders.

Finally, we need to plan, train, and practice in advance so that all first responders get to meet each other before an emergency happens. While this used to be a function provided through PEMA, it has moved to the regional task forces which, while they play an important role, their flexible funding may not be used for these critical exercises.

In closing, emergency management and response has long been recognized as a critical responsibility of government. As such, the state needs to fulfill its role in providing funding to pay for the mandates it places on local government. We continue to support PEMA's efforts to rewrite Title 35 and would like to continue working with PEMA, the committee, and all stakeholders in this endeavor.

Thank you for the opportunity to testify today. I will now attempt to answer any questions that you may have.