

HOUSE VETERANS AFFAIRS &  
EMERGENCY PREPAREDNESS  
COMMITTEE

PUBLIC HEARING  
WEDNESDAY, AUGUST 29, 2012  
PROPOSED REWRITE OF TITLE 35

- - -

ROSE TREE FIRE COMPANY,  
1275 NORTH PROVIDENCE ROAD  
MEDIA, PENNSYLVANIA

- - -

BEFORE REPRESENTATIVES:

REPRESENTATIVE STEPHEN BARRAR, CHAIRMAN,  
REPRESENTATIVE CHRIS SAINATO, CHAIRMAN  
REPRESENTATIVE FRANK A. FARRY  
REPRESENTATIVE JOSEPH T. HACKETT  
REPRESENTATIVE TINA M. DAVIS  
REPRESENTATIVE MARIA P. DONATUCCI  
REPRESENTATIVE TED HARHAI

1 ALSO PRESENT:

2 RICK O'LEARY, EXECUTIVE DIRECTOR FOR THE VETERANS AFFAIRS

3 & EMERGENCY PREPAREDNESS COMMITTEE

4 SEAN E. HARRIS, RESEARCH ANALYST

5 JIM DOUGHERTY, RESEARCH ANALYST

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1 CHAIRMAN BARRAR: Good morning, everyone.  
2 I'm Representative Steve Barrar, Chairman of the House  
3 Veterans Affairs, Emergency Preparedness Committee.

4 I would like to call this hearing to  
5 order, and I would like to start out by saying the Pledge  
6 of Allegiance. We have several of our Delaware County  
7 volunteer firefighters here today, and I would ask them  
8 to lead us in the Pledge of Allegiance, if they would.

9 (Pledge of Allegiance.)

10 CHAIRMAN BARRAR: Thank you. I would like  
11 to start by asking the members, starting on my far right  
12 here, if they would introduce themselves and the county  
13 that they come from. Also, the staff members that are  
14 here today.

15 REPRESENTATIVE HARHAI: Ted Harhai,  
16 Westmoreland County, 58th Legislative District and also a  
17 bit of Fayette County.

18 REPRESENTATIVE DONATUCCI: Maria  
19 Donatucci, 185th District, Philadelphia and part of  
20 Delaware County.

21 MR. DOUGHERTY: Jim Dougherty, research  
22 analyst, Representative Sainato.

23 CO-CHAIRMAN SAINATO: Representative Chris  
24 Sainato, I'm from Lawrence County. I'm the Democratic  
25 Chairman of the Committee.

1 MR. O'LEARY: Rick O'Leary, I'm the  
2 Executive Director for Chairman Barrar.

3 MR. HARRIS: Sean Harris, research analyst  
4 for the Committee.

5 REPRESENTATIVE HACKETT: Joe Hackett,  
6 161st District, Delaware County, Pennsylvania.

7 REPRESENTATIVE FARRY: Frank Farry, 142nd  
8 District, Bucks County.

9 CHAIRMAN BARRAR: Thank you. Of course,  
10 we're here today to examine House Bill 2562, which I am  
11 the prime sponsor of.

12 This legislation is a result of over five  
13 years of work put forth by PEMA, the county EMA  
14 officials, emergency responder groups and other  
15 interested stakeholders from both the public and private  
16 sector.

17 The purpose of today's hearing is to  
18 properly vet this bill in the Eastern Region of  
19 Pennsylvania, with additional hearings in Western  
20 Pennsylvania on September 19th, and a hearing that we  
21 conducted two weeks ago in Lewistown at the Fire Academy.

22 Title 35 contains the emergency management  
23 service code which governs how PEMA functions and  
24 provides a framework for how the Commonwealth and our  
25 local governments prepare for and respond to disasters.

1 And with that I'm going to ask Chairman  
2 Sainato if he would like to make some comments.

3 CO-CHAIRMAN SAINATO: Thank you, Chairman  
4 Barrar. I would just like to echo what Chairman Barrar  
5 said. We had a very productive meeting a few weeks ago  
6 in Harrisburg. It's really great to be in Eastern  
7 Pennsylvania, to get the views and get the response from  
8 all the stakeholders out here.

9 You have a beautiful area out here.  
10 Representative Hackett and Representative Barrar, it's  
11 always good to be in Eastern Pennsylvania. I'm from  
12 Western Pennsylvania. You have a beautiful area out  
13 here.

14 And I look forward to today's hearing, as  
15 well as our hearing coming up in Western Pennsylvania.  
16 This is such an important issue. Public safety, I think,  
17 is the most important issue we have in the state of  
18 Pennsylvania.

19 After year's disasters which we had, I  
20 think it put it into a much brighter light. The hard  
21 work of our emergency responders, making sure everyone is  
22 on the same page, and the great work done by Secretary  
23 Cannon and all the stakeholders in Pennsylvania.

24 So I look forward to our testimony today.

25 CHAIRMAN BARRAR: Thank you, Chairman

1 Sainato. And we are in Representative Hackett's  
2 district, and I would like to ask him to make some  
3 comments.

4 REPRESENTATIVE HACKETT: Thank you,  
5 Mr. Chairman. And I would like to thank all the ladies  
6 and gentlemen in the audience today especially, for  
7 coming out and spending some time with us for such an  
8 important cause.

9 I would also like to reach out and thank  
10 the Rose Tree Fire Company for giving us such a use to a  
11 great hall here. I think it works perfectly.

12 What better than talking about this  
13 legislation in what really takes us, I guess, back to  
14 boots on the ground, to people that really do the work  
15 for us, the volunteers and the men and women with the  
16 emergency management system, right here in their social  
17 fire hall, right next to the firehouse.

18 Ladies and gentlemen, I'm bringing a  
19 little bit of experience with 26 years in law enforcement  
20 to the committee here today. This is personal; this  
21 touches home when we talk about this.

22 Prior to this legislation getting passed,  
23 I believe that the Code was terribly outdated. And I  
24 believe through Chairman Barrar's House Bill 2562 that we  
25 have a chance to bring it into the, into the present and

1 to move on to the future.

2 So again, I would like to welcome all the  
3 participants here today that are giving testimony and  
4 those that came out to help support this bill.

5 CHAIRMAN BARRAR: Thank you,  
6 Representative.

7 We have today with us an excellent panel  
8 of testifiers before us today, and I want to personally  
9 thank them for taking the time to be here today.

10 Each panel will be allotted 20 minutes to  
11 speak. And if you happen to speak too long the disco  
12 ball that is in the center of the room will probably go  
13 off to inform you that you have overstayed your welcome  
14 at the table here.

15 And as a reminder to everyone, we are  
16 being videotaped today. I would ask you to put your  
17 cellphones on silent so that they're not disrupting the  
18 hearing.

19 Our first testifier is PEMA Director --  
20 Assistant Director Bob Full.

21 Assistant Director Full, if you would like  
22 to come up. I would like to thank you for being here,  
23 and you can start your comments as soon as you want to.

24 MR. FULL: Good morning. Chairman Barrar,  
25 Chairman Sainato, and members of the Committee, I am Bob

1 Full. I am the Chief Deputy Director of the Pennsylvania  
2 Emergency Management Agency.

3 Thank you for the opportunity to provide  
4 this statement and discuss House Bill 2562, which will  
5 amend the Emergency Management Services Code, commonly  
6 referred to as Title 35.

7 Even though PEMA is a small agency, we  
8 have a very large mission. Our mission is to save lives,  
9 reduce suffering, and when possible, protect property and  
10 the environment.

11 PEMA has the enormous responsibility to  
12 direct and coordinate state agency response and to  
13 support county and local governments in the areas of  
14 disaster preparedness, planning, responses and recovery  
15 from man-made or natural disasters.

16 Governor Corbett has made it clear that  
17 his administration would make a very strong commitment to  
18 public safety for all the citizens of the Commonwealth.  
19 He has followed through on that commitment. And this  
20 rewrite of Title 35 is another important step further  
21 enhancing public safety.

22 Title 35 contains the Emergency Management  
23 Services Code, which governs how PEMA functions and  
24 provides the framework on how the Commonwealth and our  
25 local governments prepare and respond to disasters.



1                   The current Title 35 has been in place for  
2 about 34 years. And the last significant amendments to  
3 it were 16 years ago, in 1996.

4                   The general assembly last updated Title 35  
5 again in 1996 as a result of the winter storm and flood  
6 disasters that took place that year.

7                   Since 1996 there have been significant  
8 events and new federal laws and changes that necessitate  
9 changes to Title 35.

10                  Some of the significant events and federal  
11 law changes include the 2007 Valentine's Day winter storm  
12 up in the Harrisburg center portion of the Commonwealth;  
13 Hurricane Katrina; the terrorist attacks on September  
14 11th, 2001; the creation of the U.S. Department of  
15 Homeland Security; the creation of the Commonwealth's  
16 nine regional task forces; cyber attacks, which are  
17 occurring and happening now on a very frequent basis; and  
18 new federal guidelines and programs relating to all  
19 hazard disasters.

20                  Some of those federal initiatives include  
21 the National Preparedness Goal, the National Incident  
22 Management System, the National Infrastructure Protection  
23 Program, the National Pandemic Preparedness Program, and  
24 the National Response Framework.

25                  In addition, in August and September of

1 last year, 2011, Hurricane Irene and Tropical Storm Lee  
2 caused the most significant and widespread flooding in  
3 the Commonwealth since Hurricane Agnes in 1972.

4 Across the board the response to those  
5 storms was remarkable and highly successful, due in part  
6 to a lot of the great work of the men and women that are  
7 sitting behind me today from the emergency services.

8 But as always, we learn some lessons that  
9 will further enhance our emergency response capabilities  
10 in the future. Simply put, the requirements of emergency  
11 management professionals in 2012 are quite different than  
12 those in 1996.

13 It is no longer enough to be able to  
14 respond, we must work towards comprehensive emergency  
15 management programs focused on the preparedness and the  
16 ability to prevent, protect against, respond to and  
17 recover from any disaster emergency situation.

18 Frankly, the changes needed in Title 35  
19 are long overdue. As a result of those significant  
20 incidents and changes to federal and state law, we  
21 conducted a comprehensive review of our entire emergency  
22 management program, including Title 35.

23 In addition to our internal review,  
24 Mr. James Lee Witt, the highly regarded former director  
25 of the Federal Emergency Management Agency, and Ridge

1 Global with our former Governor and first U.S. Department  
2 of Homeland Security Secretary, Tom Ridge, as its  
3 principal, conducted an independent review of the  
4 Commonwealth's disaster response framework and issued the  
5 reports recommending enhancements to our current program.

6 And most important, over the past  
7 years PEMA conducted numerous meetings and had  
8 considerable outreach with those in the emergency  
9 community and elected official associations and so forth,  
10 and drafted changes to the current Title 35.

11 Some of the outreaches included many  
12 meetings with the Keystone Emergency Management  
13 Association, the County Emergency Management  
14 Coordinators; three regional statewide meetings involving  
15 the emergency management folks from the local areas as  
16 well as elected officials; and meetings with associations  
17 and groups affected by the proposed legislation,  
18 including elected official associations such as the  
19 County Commissioners Association, the State Association  
20 for Township Supervisors, the State Association of  
21 Boroughs, and the Municipal League and First Responder  
22 Associations.

23 And with any piece of legislation that is  
24 this lengthy and comprehensive, I am sure that there are  
25 some matters to which stakeholders, that they may want to

1 make additional changes.

2 PEMA is open to any change that makes this  
3 legislation better. For example, two weeks ago at the  
4 KEMA board meeting -- KEMA standing for the Keystone  
5 Emergency Management Association -- board meeting, which  
6 we held at the PEMA headquarters building, during that  
7 meeting KEMA raised two very important changes to the  
8 legislation.

9 They made sense. And PEMA concurred with  
10 those changes and has drafted language to address those  
11 issues.

12 Since our last meeting we also had  
13 additional comments which we have been working on for  
14 some additional minor changes to the legislation.

15 Subject to those changes, and at the board  
16 meeting, the KEMA board voted unanimously to support the  
17 current version of Title 35. Therefore, I believe that  
18 this legislation will have broad and strong support from  
19 our stakeholders.

20 PEMA's role in disasters and emergency is  
21 to direct and coordinate state agency response and  
22 support county and local governments.

23 At the state level this truly requires a  
24 team effort among all of our agencies. In the proposed  
25 amendments to Title 35, we worked very closely with our

1 sister agencies in state government to make sure their  
2 needs were met in the legislation.

3 For example, the Pennsylvania State  
4 Police, we worked to ensure that law enforcement  
5 sensitive information would be protected whenever  
6 information needed for consequence management was shared,  
7 needed to be shared.

8 This also will enhance appropriate  
9 information sharing with the Office of Homeland  
10 Security. With the Department of Health we also ensured  
11 that the public health isolation and quarantine measures  
12 fit the needs along with those of law enforcement.

13 With the Department of Public Welfare and  
14 the Department of Education, we worked to ensure there  
15 will be enhanced dependent care facility planning in the  
16 event of a disaster and emergency.

17 Cooperation and coordination among state  
18 agencies is essential in managing a widespread major  
19 disaster or single incident.

20 You had to be in our State Emergency  
21 Operations Center during Hurricane Irene and Tropical  
22 Storm Lee to fully appreciate how important a role is of  
23 cooperation, coordination, and how it played successfully  
24 in our responding to those storms last year.

25 Even as we sit here today, our Emergency

1 Operations Center has close watch on Hurricane Isaac, as  
2 well as all those things that are taking place in  
3 addition in the tropics, as we continue to watch as we  
4 are here today.

5 With regards to the proposed amendments,  
6 the text of Title 35 is quite lengthy and comprehensive.  
7 And therefore, for consideration of the minimal time  
8 today we have -- I will not go into great detail about  
9 each section of the proposed legislation, but highlight  
10 some of the key changes to the current Title 35.

11 It has in it enhanced dependent care  
12 facility planning; more clearly detailing the powers and  
13 duties of county emergency management programs; more  
14 clearly detailing the powers and duties of local  
15 emergency management programs; certification and  
16 accreditation of emergency management professionals at  
17 all levels of government, the local municipal level, at  
18 the county level as well as the state; support of county  
19 animal rescue teams; enhanced coordination of regional  
20 all-hazards counter terrorism task forces; enhanced large  
21 event emergency planning; more comprehensive workers'  
22 compensation coverage for our emergency management  
23 volunteers and workers; enhanced information sharing for  
24 better disaster consequence management; expanded public  
25 health isolation and quarantine measures; promoting the

1 regionalization of emergency management programs.

2 The overarching goal of the amendments to  
3 Title 35 is to provide an efficient and effective way for  
4 the Commonwealth and local governments to prepare and  
5 respond to all hazard disasters.

6 The natural disasters of Hurricane Irene  
7 and Tropical Storm Lee, wildfires in the Western states,  
8 the recent tragic shootings in Colorado and Wisconsin,  
9 the things that are taking place today in the South are  
10 all a constant reminder of what our business is all  
11 about.

12 Most days our agency is out of the public  
13 view. During those days we are behind the scenes doing  
14 planning and preparing that is crucial to successfully  
15 respond to an incident. But when a disaster or emergency  
16 hits, sometimes with advance warning but most of the time  
17 with little or no warning, we must come through for our  
18 citizens.

19 And as our new PEMA motto states, "Hope is  
20 not a plan, and failure is not an option."

21 I believe that the proposed changes to  
22 Title 35 will further enhance emergency management  
23 capabilities across the state, and also at the county and  
24 the local levels.

25 The end result of enacting this

1 legislation, the citizens of our Commonwealth will be  
2 better protected in the event of a future disaster  
3 emergency.

4 Mr. Chairman, thank you for your  
5 introducing of House Bill 2562 and your leadership on  
6 this important matter.

7 Also, I would like to thank Chairman  
8 Sainato and the many members of this Committee that have  
9 co-sponsored House Bill 2562.

10 On behalf of Governor Corbett, Director  
11 Cannon and the 12 million Pennsylvanians we serve, I also  
12 thank the members of the Committee for your continued  
13 support of PEMA and our partners in public safety across  
14 the state.

15 I believe that with Governor Corbett's  
16 commitment and your support of our mission, PEMA will  
17 continue to move forward and become a premier emergency  
18 management agency in the nation.

19 I appreciate the opportunity to be here  
20 today and I would be very happy to answer any questions  
21 that the members may have at this time. Thank you.

22 CHAIRMAN BARRAR: Thank you. We've been  
23 joined by Representative Tina Davis, Montgomery County.

24 REPRESENTATIVE DAVIS: Bucks County.

25 CHAIRMAN BARRAR: Bucks County. Sorry.



1 And I think that's all the new members that have showed  
2 up.

3 Questions from the members. Are there  
4 members with questions?

5 One question, part of the legislation  
6 allows the Governor to appropriate funding in an  
7 emergency situation of up to \$25 million. And the  
8 money -- I'm trying to remember the term that he used,  
9 and it's in the legislation.

10 The use of, use and appropriation of  
11 unused Commonwealth funds. Can you explain a little bit  
12 more of that, how it addresses that in the legislation?

13 MR. FULL: As we have within the  
14 legislation the amount of \$25 million, you know, as we  
15 try to lean forward, and we have the ability to already  
16 respond and to be able to pay for things in advance and  
17 up front of a disaster before we have the official  
18 declaration and so forth, that money is made available to  
19 us to be able to respond, to pay for the National Guard,  
20 the callups of those, and so forth.

21 That total amount of money is allocated  
22 within the bill here. And we cannot exceed that cap  
23 until there's appropriation, further appropriation from  
24 the General Assembly for us to do that.

25 That's advance money that the Governor has

1 available to him at his discretion so we can meet the  
2 immediate needs of any disaster and to reimburse for the  
3 appropriate cost of that disaster up to that amount.

4 CHAIRMAN BARRAR: Does the Governor have  
5 to, in order to take that money -- I don't think -- is  
6 this \$25 million, first of all, is it budgeted? I don't  
7 think it's budgeted? Is it unused Commonwealth funds?

8 MR. FULL: That's right.

9 CHAIRMAN BARRAR: But he has to declare a  
10 state of emergency.

11 MR. FULL: It would be under a declaration  
12 of an emergency. It would certainly be under that, in  
13 that regard.

14 CHAIRMAN BARRAR: I think there were some  
15 questions at the last hearing.

16 MR. FULL: Yes. There would have to be a  
17 declaration of emergency on behalf of the Governor to be  
18 able to access that funding. Yes, sir.

19 CHAIRMAN BARRAR: Great. And then the  
20 Legislature can then appropriate additional monies.

21 MR. FULL: Additional monies, yes, sir.

22 CHAIRMAN BARRAR: Other questions from the  
23 members? Anyone? Thank you.

24 MR. FULL: Thank you, Mr. Chairman.

25 Moving along to our next testifier, we

1 have with us Ms. Angela Gillette, who is the President of  
2 KEMA for the eastern region.

3 Ms. Gillette, thank you. Are you here  
4 today?

5 MS. GILLETTE: I'm here.

6 CHAIRMAN BARRAR: I'm sorry, it's Angel.

7 MS. GILLETTE: Angel.

8 CHAIRMAN BARRAR: I think I found these  
9 glasses somewhere; I'm struggling to read. You can begin  
10 your testimony when you're ready.

11 MS. GILLETTE: Thank you.

12 Good morning, Mr. Chairman and members of  
13 the Committee.

14 My name is Angel Gillette. I am the  
15 Hazard Mitigation/Disaster Recovery Manager for  
16 Northampton County, Pennsylvania. In addition to my  
17 duties with the county's Division of Emergency Management  
18 Services, I also have the honor of serving as the Eastern  
19 Area President for the Keystone Emergency Management  
20 Association.

21 I thank you for the opportunity to offer  
22 testimony on KEMA's behalf to you today on House Bill  
23 2562.

24 The Keystone Emergency Management  
25 Association, as you've heard known as KEMA, is the

1 statewide professional association dedicated to enhancing  
2 the Emergency Management profession in the Commonwealth.

3 KEMA's mission is to promote, support,  
4 and advocate comprehensive emergency management at all  
5 levels in Pennsylvania's public and private sectors.

6 Since it's inception in 1977, KEMA has  
7 provided a statewide forum for emergency management  
8 professionals to exchange ideas, techniques, and share  
9 best practices.

10 Our membership consists of emergency  
11 managers at state, county, and local levels, members of  
12 the military, emergency management students and  
13 representatives from both the public and private sectors.

14 KEMA has a long-standing tradition of  
15 working closely with local, state, and national  
16 organizations.

17 This includes our relationship with the  
18 Pennsylvania Emergency Management Agency, as well as our  
19 parent organization, the International Association of  
20 Emergency Managers. It is these many collaborations and  
21 relationships that provide our organization with crucial  
22 insights into the current state of emergency management  
23 in Pennsylvania and how the proposed changes will  
24 strengthen the safety of our communities.

25 There are numerous items in this bill

1 that, if enacted, would enhance our emergency management  
2 program. In consideration of everyone's time today, I'll  
3 only highlight three of those items.

4 The first one being regionalization. The  
5 regionalization of emergency management is consistently  
6 brought to the forefront whenever the topic of improving  
7 service delivery is discussed.

8 The approach outlined in this bill  
9 encourages neighboring municipalities to leverage  
10 resources through increased collaboration. Here in the  
11 eastern region I have witnessed how a successful  
12 regionalized emergency management effort can be.

13 In Montgomery County 20 percent of the  
14 county's municipalities came together to establish the  
15 Eastern Montgomery County Emergency Management Group.  
16 This formalized group leveraged resources to more  
17 effectively plan for the safety and security of more than  
18 300,000 residents. That's nearly 40 percent of the  
19 county's population.

20 The success of the regional initiative was  
21 recognized and awarded the 2002 Governor's Award for  
22 Excellence in Local Government.

23 The second item of the bill I would like  
24 to touch on is workers' compensation coverage. I would  
25 like to highlight the language that would provide for

1 more workers' compensation coverage for emergency  
2 management volunteers.

3 Our volunteers routinely risk their own  
4 safety to meet the public safety needs of their  
5 community. To quote a former U.S. President,  
6 "Volunteerism is an act of heroism on a grand scale and  
7 it matters profoundly. It does more than help people beat  
8 the odds; it changes the odds."

9 Ensuring that these volunteers are  
10 protected is something that KEMA believes is long  
11 overdue.

12 And finally, the last item is the  
13 evolution of emergency management. Title 35 serves as  
14 the compass for emergency management in the  
15 Commonwealth. It is the umbrella under which we must  
16 work to address the ever-changing hazards impacting our  
17 communities.

18 The existing legislation that governs  
19 emergency management is no longer relevant to the world  
20 we live in today.

21 As we know, the last time it was amended  
22 was in 1996. And as PEMA Director Cannon and just now  
23 Deputy Chief Full had mentioned in previous testimony,  
24 simply put, the requirements of emergency management  
25 professionals in 2012 are quite different than those that

1 were in place in 1996.

2 Emergency management has evolved to  
3 incorporate and plan for events such as the 2007  
4 Valentine's Day winter storm, Hurricane Katrina,  
5 September 11th, Tropical Storm Lee, the creation of U.S.  
6 Department of Homeland Security, and numerous other state  
7 and federal changes.

8 Mr. Chairman and Members of the Committee,  
9 I want to again thank you for allowing me to express  
10 KEMA's support for House Bill 2562. The update to Title  
11 35 is much needed, and the positive effects of these  
12 changes far outweigh any potential clarity or technical  
13 issues that may be present in its current form.

14 CHAIRMAN BARRAR: Thank you, Ms. Gillette.

15 MS. GILLETTE: That concludes my testimony  
16 for today. Thank you very much. If anyone, of course,  
17 has any questions, please feel free to ask or you can ask  
18 later.

19 CHAIRMAN BARRAR: Okay. Questions from  
20 any of the Members?

21 Were you -- can I ask you a question?

22 MS. GILLETTE: Sure.

23 CHAIRMAN BARRAR: In Montgomery County,  
24 were you involved hands-on with the cooperation between  
25 -- whenever the word "regionalization" is thrown out

1 there, I think a lot of our emergency responders, you  
2 know, get upset with that. They feel they're going to  
3 lose local control. I know elected officials feel any  
4 type of regionalization results in loss of local  
5 control.

6 Did you see the spirit of cooperation?  
7 How was that brought together to increase the  
8 regionalization impact there?

9 MS. GILLETTE: That's a very good  
10 question. And what I would like to stress with that  
11 particular regional group as well as the ones that we are  
12 encouraging, it is not a consolidation, more so leveraged  
13 resources of individual neighboring municipalities to  
14 maximize their efforts.

15 So I can understand that that concept  
16 might make local officials nervous; however, it's more of  
17 a thought -- work smarter not harder. Everyone still has  
18 their own local control; however, the regionalized -- it  
19 just, it increases the success of the planning efforts as  
20 far as emergency management.

21 Instead of operating in different silos,  
22 we bring everyone together and it helps when the actual  
23 event happens that we all are working from the same  
24 page. So it's not consolidation; it's more of a  
25 formalized partnership.



1 CHAIRMAN BARRAR: Okay. We hear a lot  
2 about the workers' comp issues that are currently out  
3 there today. KEMA is okay with what we're trying to do  
4 with the workers' comp?

5 I think you've expanded a little bit in  
6 your testimony on that. Can you give us a little bit  
7 more of what you're looking for in the workers' comp  
8 area?

9 MS. GILLETTE: We certainly support this  
10 legislation. As most groups, we would want to increase  
11 the benefits to any emergency management volunteers. As  
12 it stands now, the way that the workers' compensation  
13 coverage is, at a minimum, everyone that volunteers for  
14 emergency management would be covered.

15 Of course, KEMA would want to see an  
16 investment, an additional investment financially into the  
17 emergency management program. However, at a minimum,  
18 this protects all of the volunteers, regardless of the  
19 situation of which municipality they're volunteering  
20 with.

21 CHAIRMAN BARRAR: Chairman Sainato, any  
22 questions?

23 CO-CHAIRMAN SAINATO: Just to follow up I  
24 think, Chairman Barrar, when the disaster hit here, this  
25 area here, was there -- I've asked this question at the

1 last hearing, it more went to the communications issue.  
2 Was there any problems with the communication between the  
3 departments?

4 MS. GILLETTE: I can speak on my  
5 Northampton County role.

6 CO-CHAIRMAN SAINATO: Okay.

7 MS. GILLETTE: Okay. So we actually --  
8 the administration and the way that the response and  
9 recovery efforts came together for Tropical Storm Lee and  
10 following Hurricane Irene were very good considering what  
11 we have to work with.

12 So in Northampton County we did not  
13 necessarily have communication issues with our municipal  
14 responders, but I can't say that for other  
15 municipalities, because they're all operating  
16 differently, so there could certainly be issues.

17 CO-CHAIRMAN SAINATO: I know Director  
18 Cannon was talking about that was a priority of his, to  
19 make sure everybody was on the same page so we don't have  
20 problems communicating. I think that's a worthy goal and  
21 it seems like you guys are ahead of the curve.

22 MS. GILLETTE: Just to comment on that,  
23 certainly emergency management is one of those unique  
24 systems that we all need to be standardized and working  
25 from the same sheet of music so that we can keep it going

1 in a system that saves lives.

2 CO-CHAIRMAN SAINATO: Thank you for your  
3 testimony.

4 MS. GILLETTE: Thank you very much.

5 CHAIRMAN BARRAR: Thank you, Ms. Gillette.

6 Next on our agenda is Mr. Robert Kagel,  
7 the Deputy Director of Emergency Management in Chester  
8 County. Is he here?

9 Yes. And Randy Gockley, Director of  
10 Emergency Management in Lancaster County, if you would  
11 come up.

12 CHAIRMAN BARRAR: Mr. Kagel, Mr. Gockley,  
13 you can begin your testimony when you're ready.

14 MR. GOCKLEY: Good morning. I'm Randall  
15 Gockley, Emergency Management Coordinator for the County  
16 of Lancaster. I've been employed with the county's  
17 agency since 1988 and have served as the County  
18 Coordinator since 1992.

19 Besides having attained Professional  
20 Certification as an Emergency Management Coordinator,  
21 I've also served my local community as a volunteer  
22 firefighter for 39 years, and am in my 16th year as the  
23 Chief of the Lincoln Volunteer Fire Company in Ephrata.

24 I thank the Committee leadership for the  
25 opportunity to comment today on House Bill 2562, which is

1 a much-needed update of Title 35, the Emergency  
2 Management Services Code.

3 In my career I've seen great changes in  
4 the type of incidents that Emergency Management at all  
5 levels is expected to prepare for and respond to.

6 Besides the serious wind and flooding  
7 events that we see in Lancaster County, history has shown  
8 us that we need to be prepared for situations associated  
9 with two nuclear power plants within ten miles of our  
10 county, plus the two additional nuclear power plants  
11 within 50 miles of our border.

12 In the past 20 years we have experienced  
13 five drought warnings, the blizzards of 1996 and 2010, as  
14 well as the coldest day in Commonwealth history in 1993  
15 when the city of Harrisburg had a high temperature of  
16 minus 15 degrees that particular day.

17 We have seen our share of large-scale  
18 fires, hazardous material incidents and the technological  
19 scare of Y2K, as all levels of government and our  
20 citizens held their breath that computers would continue  
21 to work.

22 Also in Lancaster County it started out as  
23 a pleasant day on October 2nd, 2006. A gunman entered a  
24 one-room Amish school house. As a result, five innocent  
25 young girls were killed, several others critically

1 wounded, and the lives of many community members and  
2 first responders changed forever.

3 We experienced an event that received  
4 worldwide exposure in one of our most rural communities  
5 within the county. To this day I cannot express enough  
6 heartfelt thanks to the emergency management community  
7 and all emergency and social services that responded to  
8 the shooting and assisted with the recovery during the  
9 months and the years that have followed.

10 What these tragic events have done is  
11 demonstrate that serious events can occur in any  
12 community, large or small. The changes reflected in the  
13 current version of House Bill 2562 meets the needs of our  
14 political subdivisions at every level of government to  
15 ensure the safety and confidence of all our citizens  
16 during natural and man-made events.

17 Municipalities in Lancaster County, like  
18 many others, rely heavily on volunteers providing a large  
19 percentage of the personnel needed during large-scale  
20 emergencies and disasters.

21 As I studied House Bill 2562 I feel that  
22 the Pennsylvania Emergency Management Agency, the  
23 Keystone Emergency Management Association, and the  
24 numerous partnership organizations have done a remarkable  
25 job of increasing the expected professionalism of the

1 emergency management program while maintaining  
2 expectations that can still be reasonably met and carried  
3 out by our valuable volunteers.

4 The additional emphasis on  
5 intergovernmental cooperation as outlined in Section  
6 7501(f) will assure increased cooperation and resources  
7 as well as the avoidance of duplications at all levels of  
8 municipal government during times of preparedness as well  
9 as response.

10 I agree with Section 7501(e.1), which  
11 allows the PEMA director to have the discretion of  
12 recognizing prior experience and training in meeting the  
13 agency's requirements.

14 This proposed legislation also recognizes  
15 the importance of intergovernmental support, not just at  
16 the municipal level but at the county level as well, with  
17 the continued establishment of regional task forces.

18 Since 1999, the South Central Task Force,  
19 of which Lancaster County is a member, has repeatedly  
20 shown that the shared strengths of the counties improve  
21 the response capabilities at all levels and with all  
22 disciplines, including private business and industry.

23 House Bill 2562 continues to recognize the  
24 importance of the task forces and allows them to continue  
25 their common region goals based on available funding and

1 future support from state and federal levels.

2 The legislation authorizes the  
3 Pennsylvania Emergency Management Agency to establish the  
4 task forces.

5 I offer one caution. And that is that  
6 PEMA continues to work with the current nine task forces  
7 in examining any reduction in task force numbers or any  
8 changes in jurisdictional boundaries.

9 I fully support the increased planning and  
10 exercise requirements for dependent care facilities.  
11 House Bill 2562 is very clear on its expectations of  
12 public schools.

13 However, I would like to recommend a clear  
14 definition to assure that private schools also have the  
15 same planning and exercise requirements as public  
16 schools, as outlined in Section 7701(g).

17 We need to assure that school  
18 administrators of students and staff have emergency plans  
19 in place for all educational venues, including public,  
20 parochial, and private.

21 The emergency management profession, both  
22 volunteer and career, have recognized for quite some time  
23 that the Emergency Services Act, Management Services Act  
24 needs updating.

25 This has been created by the ever changing

1 and increasing threats that we face and must be prepared  
2 for. Our citizens have made it very clear that they have  
3 a high expectation for their safety during times of major  
4 emergencies and disasters.

5 Citizens must also share in being prepared  
6 for any community emergency. House Bill 2562 provides a  
7 great framework to minimize the impact of disasters.  
8 However, we must not lose sight that the individuals must  
9 also share in their preparedness and safety by having  
10 basic disaster supplies, knowledge of community plans,  
11 and the willingness to follow the advice and guidance of  
12 government officials.

13 All facets of emergency management require  
14 a strong partnership at all levels of government. The  
15 proposed legislation ensures that our citizens have a  
16 high level of confidence with the public safety  
17 community, and assures the professionalism and teamwork  
18 required in being prepared for and responding to the 21st  
19 century disasters.

20 I thank the Chair and Committee for  
21 allowing me the opportunity to provide my support and  
22 comments on this important bill before you.

23 Thank you.

24 MR. KAGEL: Chairman Barrar, Chairman  
25 Sainato, distinguished members of the Committee, I'm



1 Robert Kagel. I'm the Deputy Director for Emergency  
2 Management in Chester County. And thank you for the  
3 opportunity to provide this statement and discuss House  
4 Bill 2562, which will amend the Emergency Management  
5 Services Code, which is commonly referred to as Title 35.

6 Title 35 has stood as our enabling  
7 legislation for years. It has served our community  
8 well. But given advances in emergency management and  
9 changes to our world caused by people that want to hurt  
10 us, Title 35 needs to be refreshed for quite some time.

11 I applaud you and thank you for doing just  
12 that. The updating of Title 35 has been done in a  
13 cooperative spirit. My boss, Edward J. Atkins, led the  
14 efforts on behalf of the Keystone Emergency Management  
15 Association, or KEMA.

16 He and other emergency managers from  
17 across the Commonwealth came together to discuss topics,  
18 such as professional education, certification and  
19 continuing education requirements for emergency managers,  
20 the role and structure of regional task forces, and the  
21 responsibilities of local and county emergency management  
22 programs, as well as the role and responsibility of the  
23 Pennsylvania Emergency Management agency.

24 The goal was to give tools and resources  
25 to the organizations to execute critical functions that

1 protect and save the lives of our citizens.

2 After KEMA had completed with their  
3 rewrite, PEMA took their comments, added their own, and  
4 now we have House Bill 2562 before you today.

5 The revisions provided will add clarity to  
6 the roles, responsibilities, and duties of municipal and  
7 County Emergency Management Programs.

8 The duties assigned to our programs are  
9 all functions we do today. The revisions simply empower  
10 us to do what we are doing already.

11 In Chester County, for example, I will not  
12 require any additional staff or funding to carry out any  
13 of our newly defined roles.

14 I believe the language in the bill  
15 encourages regionalization of municipal emergency  
16 management programs. This is key to ensuring an  
17 efficient and fiscally responsible municipal emergency  
18 management program.

19 In Chester County we have four regional  
20 emergency management groups and I have seen firsthand the  
21 success of regionalization.

22 The Avon Grove Regional Emergency  
23 Management Group, or AGREM, was our first regional  
24 emergency management group in the county. It is  
25 comprised of seven municipalities. They plan together,

1 they respond together, and they marshal their individual  
2 resources for the collective good.

3 We have regional emergency management  
4 groups in the Oxford area, the Octorara area, and the  
5 West Chester area. We even have a group currently  
6 discussing the regionalization of emergency management  
7 programs within the Limerick Generating Station Emergency  
8 Planning Zone, which in Chester County consists of 13  
9 different municipalities.

10 There's a new provision for large event  
11 planning. This will allow local and county emergency  
12 management programs to know when an event is taking place  
13 that has the potential to create an issue within our  
14 jurisdiction.

15 While the Department of Health had  
16 requirements for the provision of emergency medical  
17 services at large events, the emergency management  
18 community was often left out of the discussion. We  
19 learned of these events by reading them in the newspaper,  
20 seeing advertisements or being a patron.

21 A challenge we have and continue to  
22 experience is getting organizations to actually plan. In  
23 Chester County we have 36 high-hazard dams. We have  
24 consistently stated about 84 percent compliance. Some of  
25 those dams are owned and operated by homeowner

1 associations or private citizens. We have similar  
2 experiences with dependent care facilities.

3 The requirements in Title 35 will  
4 strengthen our ability to collect these plans. We have  
5 also had difficulty getting municipalities to develop and  
6 improve their basic emergency operations plans.

7 In fact, across the Commonwealth this is a  
8 common trend. The bill emphasizes the importance of  
9 thorough planning at all levels.

10 Workers' compensation has been a concern  
11 for many of our municipal and county emergency management  
12 volunteers, centered around the question, who is going to  
13 cover me if I get hurt.

14 The revision to Title 35 adequately  
15 addresses that issue. The workers' compensation  
16 provision is long overdue. I would like to acknowledge  
17 PEMA's flexibility and efforts to ensure this revision  
18 allows us to do our jobs.

19 Chester County is part of the  
20 Southeastern Pennsylvania Regional Task Force. It's a  
21 mouthful, so we abbreviate it SEPA RTF. That includes  
22 Bucks, Chester, Delaware, and Montgomery Counties, as  
23 well as the City of Philadelphia.

24 The SEPA RTF utilizes a third-party  
25 fiduciary agent to manage the Homeland Security grants

1 awarded to our urban area.

2 Drafts were written such that we would be  
3 unable to utilize a third-party fiduciary. One of our  
4 member counties would be required to act as the fiduciary  
5 agent. We tried that and it just didn't work.

6 PEMA heard and understood our concerns.  
7 They have agreed to revise that language.

8 During Hurricane Irene and Tropical Storm  
9 Lee, Chester County was fortunate. We certainly weren't  
10 the hardest-hit areas, but we still had enough flooding  
11 and damage to warrant a Presidential disaster  
12 declaration.

13 During those storms we opened three  
14 shelters. Working with our partners we were able to  
15 provide a safe place for more than 500 people to ride out  
16 the storm.

17 Hurricane Katrina taught us that many  
18 people would not leave their homes without their pets.  
19 Because of this lesson we were able to establish a pet  
20 shelter during Irene and Lee. In total we provided  
21 shelter to four dogs, two cats, and even a bird.

22 The revisions to Title 35 emphasize the  
23 importance of supporting animal response teams. It's the  
24 animal response teams that make our human shelters pet  
25 friendly. Without this important capability, who knows

1 if we would have lost anyone during Irene and Lee.

2 I applaud you for specifically calling out  
3 the support of these teams in Title 35.

4 Emergency management, in my opinion, has  
5 one of the hardest jobs: coordination. We joke it's the  
6 equivalent to herding cats. We have sophisticated  
7 systems that warn of impending weather, we're able to  
8 take actions to save lives and property by closing roads  
9 that will flood, sandbagging susceptible critical  
10 infrastructure, and evacuating those most at risk.

11 Wouldn't it be great if we had a similar  
12 system to warn us of criminal or terrorist activity? We  
13 do. But because of the nature of some of this  
14 information it wasn't being shared.

15 Title 35 catapults us to where we need to  
16 be. It establishes requirements to share vital  
17 information that can save lives, while protecting the  
18 sensitivity of the information. It ensures law  
19 enforcement operations are never compromised, and allows  
20 decision makers access to plan and prepare for the  
21 consequences of imminent threats.

22 Overall, a seemingly simple portion of  
23 Title 35 provision can save lives and property. This is  
24 a critical step forward and is sorely needed.

25 Finally, we're fortunate to have a local

1 health department. We enjoy a strong relationship and  
2 rely on each other's strengths. The revision to Title 35  
3 is an important step forward for the public health  
4 community.

5 The language included in the revisions  
6 provides a clear avenue for protecting the health and  
7 welfare of our citizens.

8 We understand how to quarantine and  
9 isolate those that pose a significant public health risk,  
10 all while protecting their constitutional rights as  
11 Americans.

12 In my view this is huge, both as an  
13 emergency manager and as an American.

14 Mr. Chairman, thank you for introducing  
15 House Bill 2562 and your leadership on a matter that lies  
16 so close to the hearts of everyone in Pennsylvania's  
17 emergency management community.

18 Chairman Sainato and members of the  
19 committee, thank you for your co-sponsorship of House  
20 Bill 2562.

21 I appreciate the opportunity to appear  
22 before you today and would be happy to answer any  
23 questions you may have.

24 CHAIRMAN BARRAR: Gentlemen, thank you for  
25 your testimony. I will ask the members if they have

1 questions. Representative Hackett for a question.

2 REPRESENTATIVE HACKETT: Thank you,  
3 Mr. Chairman, and this question may also be directed to  
4 part of our committee, too, and also to staff.

5 I just want to clear something up. Randy,  
6 you brought up 7701(g) and I looked at (f) also. And  
7 basically it's saying that pretty much everywhere has to  
8 have a plan in place annually. I saw the word "annually"  
9 in there for the schools and custodial child care  
10 facilities.

11 And then in Chester County you mentioned  
12 that for this to develop, to be part of this bill, that  
13 there will be no further cost to you.

14 So when you see the influx of these school  
15 plans coming in and charter schools and all the schools,  
16 you don't see you'll have to put on additional staff?

17 MR. KAGEL: There's a requirement for it  
18 now. The current Title 35 actually requires schools to  
19 develop emergency plans annually, submit them to the  
20 local emergency management coordinator or emergency  
21 management program, and the county is supposed to get a  
22 copy of it.

23 So again, what we're asking folks to do  
24 isn't new. It exists.

25 REPRESENTATIVE HACKETT: According to the



1 language here it's new. Maybe I'm reading it wrong. It  
2 says "Every dependent --" this is all new. "Every  
3 dependent care facility, including --" and maybe Rick is  
4 the guy who can clear that up.

5 MR. GOCKLEY: In the current law there was  
6 just a requirement for public schools that are funded by  
7 public dollars.

8 REPRESENTATIVE HACKETT: Okay. So now  
9 private schools are added to traditional schools, right?  
10 So it's not in place now, correct?

11 MR. GOCKLEY: Many private schools are  
12 doing it, but I -- many are not, exactly. And that was  
13 the point of my testimony. We would like to see it  
14 across the board.

15 The shooting that happened in Lancaster  
16 County was in a one-room Amish school. We have 80-plus  
17 Amish schools in Lancaster County. And at this point we  
18 don't have a single plan for many of those schools.

19 Again, it puts the responsibility on the  
20 school board. And PEMA has a very good planning kit  
21 that's available. That boilerplate helps the schools do  
22 that.

23 It's just important in my mind for all  
24 schools across the board to make sure the language is  
25 very clear that all schools need some kind of emergency

1 plan.

2 REPRESENTATIVE HACKETT: I agree with you,  
3 and I believe it should be in the bill. I was more  
4 concerned about the actual costs. Are counties able to  
5 absorb that cost, or do you see some areas out there that  
6 maybe may entice the private sector to get involved in  
7 some way. Maybe the private sector could come in and do  
8 that service for that school and present their plans for  
9 them.

10 Any entrepreneurs out there that want to  
11 move into Pennsylvania and start that business, I think  
12 this is a great day to start.

13 MR. GOCKLEY: There are consultants that  
14 will make themselves available to provide that service.  
15 Within the emergency management community, what we're  
16 responsible for is reviewing the plan, not writing the  
17 plan itself for the facilities.

18 As far as the plan review, I agree with  
19 Chester County and Lancaster County. We have the staff  
20 that, if every school, which I hope they would do, would  
21 provide a plan to us, we can do it with existing staff,  
22 as far as a review and comments back to them.

23 REPRESENTATIVE HACKETT: Great, Randy.  
24 Thank you very much. And Mr. Chairman, a great part of  
25 the bill here. I really like this section. Thank you

1 very much.

2 CHAIRMAN BARRAR: Great. Thank you.

3 Questions down here. Representative Donatucci.

4 REPRESENTATIVE DONATUCCI: Thank you,  
5 Mr. Chairman, and thank you for your testimony today.

6 You had mentioned that you have difficulty  
7 getting municipalities to develop and improve their basic  
8 emergency operations.

9 Having said that, how do we, outside of  
10 alert notifications, get individuals to take their own  
11 responsibility, if we're having trouble getting  
12 municipalities to do it?

13 MR. KAGEL: September actually provides,  
14 and the timing of this hearing provides a great  
15 opportunity to answer that question. It's National  
16 Preparedness Month in September. And it's just a  
17 constant process of being out in front and educating the  
18 public of the importance of being prepared.

19 We don't necessarily encourage folks to  
20 get prepared right before an emergency. Just like  
21 everyone else, it's a constant process of just  
22 continually being prepared and the education process.

23 MR. GOCKLEY: I'm sure we're like many  
24 counties and use media as much as possible. And the  
25 aftermath of situations to -- for example, last year we

1 lost three lives because people were either driving or  
2 walking through water.

3 Unfortunately, you try to educate the  
4 people after the fact and use the tragedy to say you  
5 shouldn't take steps like that. We do the same thing.

6 We try, prior to the disaster occurring,  
7 to remind them about their disaster supply kits, but also  
8 afterwards to try to reinforce to them. And again, it's  
9 through the media, it's through municipal newsletters and  
10 websites.

11 Plus also I have to say Pennsylvania  
12 Emergency Management Agency and [readypa.gov](http://readypa.gov) has some  
13 excellent information available on their websites for  
14 people. It's just getting them motivated to do it.

15 One of the things in my career, and I  
16 think we can all agree, December 31st, 1999 preparedness  
17 was at a high point in the United States, both  
18 individuals, businesses, everybody was well prepared for  
19 anything that Y2K would have occurred.

20 Unfortunately, we lost some of that  
21 momentum and it's a constant reminder to the public.

22 REPRESENTATIVE DONATUCCI: Thank you.  
23 Well, I always tell everybody to sign up for the alerts.  
24 I get them all day on my cellphone, and then I tweet it  
25 out to everybody else that follows me, to let them know

1 what precautions to take. And it is great. Thank you.

2 MR. KAGEL: If I may, you bring up an  
3 important point in terms of tweeting and Twitter. And  
4 the whole social media has really changed the way we can  
5 communicate with the public. I'm sure that you've seen  
6 it, getting information to your constituencies.

7 Social media has really expanded that and  
8 allowed us to provide that sort of instantaneous  
9 information through just a variety of different means and  
10 it served us well.

11 CHAIRMAN BARRAR: Are there other  
12 questions from any other members?

13 Gentlemen, thank you for your testimony  
14 today. I appreciate your taking your time to be here.

15 MR. GOCKLEY: Thank you.

16 MR. KAGEL: Thank you.

17 CHAIRMAN BARRAR: I just want to call to  
18 the members' attention that we had, in your packets you  
19 have testimony which has been submitted by the County  
20 Commissioners Association of Pennsylvania, the  
21 Southwestern Chapter of the Pennsylvania American Red  
22 Cross.

23 And also the City of Philadelphia has  
24 submitted comments which, Representative Hackett, I would  
25 like to draw to your attention that on page 4, to follow

1 up on your question, that the City of Philadelphia is  
2 somewhat objecting to the comments that you made about  
3 notifications of schools.

4 You may want to take a look at the fourth  
5 page there.

6 REPRESENTATIVE HACKETT: The fourth page  
7 of the testimony?

8 CHAIRMAN BARRAR: The testimony of  
9 Philadelphia, yes, where they kind of, I guess they  
10 dispute that. You may want to discuss that with the  
11 representatives from Philadelphia as we go forward.

12 Next on the agenda is Mr. Eric Fish,  
13 Senior Legislative Counsel for the Uniform Law  
14 Commission. Mr. Fish, you have a panel that is going to  
15 come up with you?

16 MR. FISH: Sure.

17 CHAIRMAN BARRAR: The Pennsylvania Nurse  
18 Association.

19 Mr. Fish, if you would like to begin your  
20 testimony.

21 MR. FISH: Thank you, Mr. Chairman and  
22 Members of the Committee. For the record I am Eric Fish  
23 and I'm Senior Legislative Counsel at the Uniform Law  
24 Commission based out of Chicago, flew in this morning.

25 So this tight fit, I'm sort of used to

1 it. My USAir flight was just like this.

2 But the Uniform Law Commission is a  
3 nationwide group that was founded in 1892, and all states  
4 send us commissioners. In Pennsylvania we have several  
5 commissioners that are very active, many of whom you  
6 likely know: Nora Winkelman, Vince DiLiberato, and Ray  
7 Pepe, who is the Chairman of this drafting committee that  
8 drafted what is known as H.B. 2120, which is the  
9 Emergency Volunteer Health Practitioner's Act.

10 The ULC has a long history in solving  
11 interstate problems. The commercial code, the Uniform  
12 Commercial Code is one of those products; uniform Probate  
13 Code; child support guidelines, child support and child  
14 custody guidelines; and Anatomical Gift Act is one of our  
15 most successful acts, allowing people to recognize a  
16 donation of a gift throughout the country.

17 The issue in H.B. 2120, which I understand  
18 has been endorsed by Representative Delozier, is to be  
19 included as you go forward with H.B. 2562, came out of  
20 Hurricane Katrina and Hurricane Rita. It's somewhat  
21 eerie that we're here today, as New Orleans is getting  
22 hit, discussing a bill that was drafted in response to  
23 some of the issues that we saw seven years ago.

24 During Hurricane Katrina and Hurricane  
25 Rita several emergency health practitioner volunteers,

1 these were doctors, nurses, mental health practitioners,  
2 we had veterinarians and others flock to the region to  
3 aid in the relief efforts.

4           Unfortunately, when they got down to New  
5 Orleans and Mississippi and Alabama, they were met with a  
6 bureaucratic hurdle, which is their licenses of being  
7 doctors in, say, Chicago or even Texas were not  
8 recognized and they were afraid to practice. They were  
9 turned away. And they couldn't reach the people that  
10 they had come to help.

11           One of the doctors that I've talked to was  
12 actually from Louisiana and then wanted to go to  
13 Mississippi to help because Louisiana had had so many  
14 volunteers. Mississippi wouldn't recognize their  
15 license.

16           So the Uniform Law Commission, in response  
17 to this question, drafted the Uniform Emergency Volunteer  
18 Health Practitioners Act. What this act does is it  
19 allows for interstate recognition of healthcare licenses  
20 in emergency situations.

21           I'm just going to go through the bill  
22 briefly. I've provided packets that many of you have,  
23 and they're in the back, that go through the bill in all  
24 the detail.

25           But what this bill does is it creates a



1 registration system. It creates an ability for your  
2 state emergency managers and local bodies to handle these  
3 volunteers and know who's out there; it allows for  
4 advanced deployment and registration; and makes sure that  
5 the residents of Pennsylvania have the volunteers at the  
6 ready that can help during an emergency.

7 Just to go briefly through the  
8 registration system. The registration system can be run  
9 by a state agency, like PEMA; it can be run by a local  
10 agency. As we heard earlier, many of these smaller  
11 townships and counties are forming together into alliance  
12 groups. It can also be run by groups like the nurses  
13 association; it could be run by the state Red Cross; it  
14 can be run by the state College of Surgeons.

15 These groups will set up an emergency  
16 registration system which is approved by the state  
17 agency, in this case PEMA, and it allows volunteers to  
18 preregister and sign up for alerts so that in case if  
19 emergency is needed, they can be drawn from that group.  
20 Their licenses would be credentialed.

21 All that paperwork that met many of the  
22 volunteers in Louisiana has already been taken care of.  
23 PEMA would be the agency that directs where these people  
24 go. They are always in control. It's not as if we're  
25 setting up separate volunteer systems. The state agency

1 is always in control.

2 I liken it to having a baseball manager  
3 looking into his bullpen and seeing who he can call upon  
4 for that situation. At times it might just be  
5 veterinarians; at times it might just be surgeons or  
6 nurses. But this creates a robust system that the state  
7 can call from.

8 Just to go briefly through how this  
9 differs from something like the ESAR-VHP system, which  
10 some of you may know about. ESAR-VHP is a federal  
11 program that allows for interstate deployment of  
12 volunteers.

13 Unfortunately, the definitions in the  
14 ESAR-VHP do not go as far as some of the definitions in  
15 the Uniform Act.

16 So in conjunction with ESAR-VHP, the  
17 Uniform Act reaches out to veterinarians, mental health  
18 practitioners, and a lot of different people that are  
19 important to a public health response.

20 It's just not doctors and nurses anymore.  
21 A lot of it does involve the mental health and even  
22 animal welfare, as we heard earlier.

23 Nationally, 15 states have enacted this  
24 act. It was completed in 2006, and Louisiana is one of  
25 those states that has enacted this. And so I'm going to

1 be interested to see if they deploy any individuals using  
2 this system.

3 The states are setting up these registries  
4 and today we haven't had any complaints or questions  
5 about these issues. But it's also something that's been  
6 supported nationally by a lot of different interest  
7 groups.

8 I'm joined here with members of the Red  
9 Cross and the Pennsylvania Nurses Association, but we  
10 also support from American College of Surgeons, we have  
11 support from veterinarian groups, mental health groups.

12 So this is something that the  
13 practitioners see a benefit to, a lot of emergency  
14 managers see a benefit to, and hopefully this committee  
15 sees a benefit to include as they go forward with changes  
16 to H.B. 2562.

17 CHAIRMAN BARRAR: Thank you. Kevin.

18 MR. BUSER: Good morning, Chairman, and  
19 distinguished Members of the Committee.

20 On behalf of the Pennsylvania State Nurses  
21 Association we appreciate the opportunity to testify in  
22 support of the many provisions of House Bill 2120 and its  
23 inclusion into House Bill 2562.

24 My name is Kevin Buser and I'm the  
25 Director of Government Affairs for PSNA. We are a

1 nonprofit voice for nurses in the Commonwealth of  
2 Pennsylvania, representing more than 209,000 registered  
3 nurses.

4 We work to be essential in advancing,  
5 promoting, and supporting the profession of nursing to  
6 improve health for all in the Commonwealth.

7 The Commonwealth's registered nurses,  
8 licensed practical nurses and advanced practice nurses  
9 are the backbone of our healthcare system. Nurses play a  
10 vital role when disaster strikes. When the healthcare  
11 system is disrupted and when patients and citizens are in  
12 need of care, registered nurses can and will respond.

13 Therefore, lawmakers must ensure that when  
14 nurses and other healthcare professionals respond, laws  
15 exist that support and promote this response on the part  
16 of the health professionals.

17 Today I am accompanied by Rebecca  
18 Zukowski, a PSNA member and a registered nurse. Rebecca  
19 will be presenting the remainder of our testimony.

20 MS. ZUKOWSKI: Good morning. As Kevin  
21 stated, my name is Rebecca Zukowski, a registered nurse  
22 for over 30 years and a current educator of our future  
23 nurse workforce.

24 I am here on behalf of the Pennsylvania  
25 Nurses Association. As a former navy nurse corps officer

1 and proud veteran, I am keenly aware of the critical role  
2 of a response force when human lives are at stake.

3 As is true with the military force, the  
4 disaster workforce must be well trained, competent, and  
5 willing to be present and accounted for when needed.

6 Registered nurses serve at all levels of  
7 disaster planning and response. We need to ensure that  
8 registered nurses will be easily and efficiently and  
9 effectively brought into the Commonwealth to serve those  
10 in need when needed.

11 Since 2009 I have worked, as a part of my  
12 doctoral studies, with the National Center for Disaster  
13 Medicine and Public Health located in Rockville,  
14 Maryland. This center was established, based upon the  
15 October 17th, 2007 Homeland Security Presidential 21,  
16 which was released.

17 It specifically addressed the  
18 establishment of an academic joint program for disaster  
19 medicine and public health.

20 The National Center for Disaster Medicine  
21 and Public Health was created and is hosted by the  
22 Department of Defense under the Uniform Services  
23 University. It serves as an academic center of  
24 excellence for the dissemination of core curriculum for  
25 health professionals in disaster medicine public health.

1                   As a part of the National Center for  
2 Disaster Medicine and Public Health, I was a contributing  
3 author on the Report of the Domestic Natural Disaster  
4 Health Work Force, which was released in November of  
5 2011.

6                   It identified the challenges of ensuring  
7 that personnel are employed optimally, given the  
8 specialties they have. Prior to release of this report,  
9 I personally facilitated a conference seeking feedback  
10 regarding the disaster workforce, particularly as it  
11 concerned professional volunteers.

12                  Representatives from local communities  
13 impacted by disaster across this nation were invited to  
14 attend. They described the influencers and barriers to  
15 volunteerism from actual experience.

16                  This group indicated that volunteers  
17 needed to feel assured by incident command management  
18 leadership that they will be properly utilized in the  
19 event of a disaster. Too often this group commented that  
20 volunteers, when called upon to respond, were called upon  
21 without a real assessment of the need that could be  
22 addressed by the capabilities of these volunteers.

23                  One nurse described how he responded to  
24 Hurricane Katrina, ready to use the full scope of his  
25 nursing skills, only to be asked to drive a truck hauling

1 water. Although he followed through on this request, it  
2 was not a good use of his skills and would deter him from  
3 volunteering in the future.

4 This committee and the department should  
5 address many of the barriers that are of concern to  
6 health professionals when considering whether or not to  
7 respond to a disaster.

8 It must also provide a response framework  
9 that is developed within the jurisdiction by restricting  
10 the application of its provisions to those who respond  
11 within an established registry or other recognized  
12 response mechanism.

13 Ultimately, passage of this legislation  
14 could create a legal environment that welcomes health  
15 practitioners and nurses into the Commonwealth during a  
16 declared emergency.

17 In addition, I served with the national  
18 center as, and was deployed aboard the USS IWO JIMA in  
19 support of Operation Continuing Promise 2010. And I  
20 investigated military and civilian simulations to  
21 disaster while delivering care to patients in rural Haiti  
22 six months following the 2010 earthquake.

23 I experienced, with boots-on-the-ground  
24 approach, that allowed me to work side by side with  
25 nurses, physicians, and other healthcare providers

1 delivering care in Port-de-Paix, Haiti.

2 I observed firsthand the challenges to  
3 disaster response that appeared related to a lack of  
4 resources, unskilled responders, inadequate  
5 infrastructures and overwhelming morbidity and  
6 mortality.

7 Observations during this activity  
8 broadened my awareness of response and recovery  
9 capabilities required of individuals, organizations and  
10 communities in response to disasters, and highlighted the  
11 critical importance of registered nurses during disaster  
12 response operations.

13 These scenes which unfolded showed clearly  
14 that registered nurses serve at all levels of the  
15 disaster plan response cycle. They are clinicians,  
16 coordinators, researchers, and leaders.

17 We continue to need to be able to mobilize  
18 nurses with the right skills to disaster impacted areas  
19 with as much ease as possible in order to use their  
20 skills appropriately and efficiently.

21 We do not want a system that blocks or  
22 inhibits those nurses who have the necessary skills from  
23 quickly or easily volunteering.

24 However, we know that the system needs to  
25 be coordinated and responsive to the needs of the local



1 community and ensures that nurses and other healthcare  
2 providers responding are licensed and in good standing.

3 An established registry or other  
4 recognized response mechanism is a way to ensure that  
5 this happens, while at the same time, alerting the  
6 responder to the activities that can be performed within  
7 the recognized scope of the disaster.

8 An important component is the recognition  
9 of the out-of-state license of health practitioners while  
10 providing the Commonwealth with the opportunity to limit  
11 activities of out-of-state health professionals.

12 Coupled with the requirement that health  
13 professionals responding under this act must do so to an  
14 officially recognized registration system, the  
15 Commonwealth can be assured that providers responding are  
16 licensed, are in good standing, while the practitioners  
17 can be certain about the activities they can perform.

18 Coordinated disaster response and  
19 competent intervention by healthcare provider workforces  
20 saves lives. A catastrophic health event, such as a  
21 terrorist attack with a weapon of mass destruction, a  
22 naturally occurring pandemic, or a calamitous  
23 meteorological or geological event could cause tens or  
24 hundreds of thousands of casualties.

25 This weakens our economy, damages public

1 morale and confidence and it threatens our national  
2 security. It is critical that we establish a strategic  
3 vision in the Commonwealth that will enable a level of  
4 public health and medical preparedness, in addition, to  
5 address the needs of the nation and our Commonwealth when  
6 disaster strikes.

7 Nurses constitute the largest sector of  
8 the healthcare workforce within the United States and  
9 will most certainly be on the front lines for disaster  
10 response.

11 Because nurses make up the largest  
12 proportion of the healthcare workforce in the country, it  
13 is critical that we are prepared to meet the needs of the  
14 Commonwealth with a disaster workforce composed of  
15 competent nurses that are willing to respond to the call.

16 We urge the Committee, the Governor, and  
17 the Department to address the barriers that exist for  
18 health professionals when considering whether or not to  
19 respond to disasters.

20 Ultimately we support the passage of  
21 legislation that will create a welcoming environment for  
22 healthcare practitioners and nurses to come to the  
23 Commonwealth during a declared emergency.

24 Thank you.

25 CHAIRMAN BARRAR: Thank you for your

1 testimony. I can assure you that the Losier bill and the  
2 language in there will be, with the support of the  
3 Committee here, will be incorporated into in this  
4 rewrite.

5 To me, just listening to you sitting here,  
6 it's common sense. Do you really need legislation to,  
7 you know, to do something like this?

8 I can't believe that in a disaster that  
9 licensed healthcare professionals from anywhere would be  
10 turned away in a situation of disaster like that.

11 MR. FISH: Mr. Chair, if I may. In  
12 Louisiana the Governor had actually said anybody who has  
13 a license can come in and issued an executive order.  
14 With the communication breakdown, those executive orders  
15 were not dispatched to the counties and to the parishes,  
16 so that these practitioners and the barriers they faced  
17 were to be removed. It just didn't happen.

18 So this would create a system that is  
19 already in place if there is a communication breakdown.

20 CHAIRMAN BARRAR: But this recognizes the  
21 individual?

22 MR. FISH: Yes. The individual would  
23 register with the system that would be set up by a local  
24 health community or a practitioner group or even a county  
25 or city.

1                   CHAIRMAN BARRAR: Is there a provision,  
2 then, that just allows out some type of reciprocity for  
3 just a license? If you're a licensed Pennsylvania R.N.,  
4 wouldn't it just make more sense, though, just to say  
5 anyone with that particular license is automatically --  
6 because in a sizeable disaster you would probably get  
7 more volunteers than they have registered, or you may  
8 prevent people from volunteering because they may not  
9 have properly registered.

10                   I don't know if that makes more sense to  
11 go that way.

12                   MR. FISH: The registration system does  
13 help know who's out there. It also helps for training.  
14 You can work on deployment as you do drills, who you'd  
15 call in this sort of situation.

16                   Internally, individuals can register and  
17 those groups can then go to other states that have this  
18 bill and be part of a response force. So it works both  
19 ways.

20                   CHAIRMAN BARRAR: Okay. Questions from  
21 the Committee here? Are there any questions?

22                   Well, thank you for your testimony. And I  
23 appreciate, Eric, your taking the time to fly in from  
24 Chicago.

25                   MR. FISH: You're welcome. It's probably

1 faster to get here than it is some places in Chicago  
2 during rush hour. Thank you, sir.

3 CHAIRMAN BARRAR: Rebecca, thank you for  
4 your service to our country.

5 We just had a, the fire company had asked  
6 that if anyone is parked in front of the firehouse,  
7 possibly blocking any of the -- if they're in front, to  
8 move your cars in case there were a fire alarm called in.

9 Next on our agenda is Mr. Martin Till,  
10 President and Chief Executive Officer of the Penn- Jersey  
11 Advance and Publisher for the Easton Express-Times.

12 Mr. Till, thank you for your testimony,  
13 being here today.

14 MR. TILL: Good morning. Thank you.  
15 Thank you for allowing us to be here. I'm representing  
16 the Pennsylvania Newspaper Association, talking about  
17 House Bill 2562.

18 Really, our concern is Section 7715 of  
19 this bill, which talks about the confidentiality. And  
20 you have my, the written testimony, so I won't bore you  
21 with reading it.

22 But I was thinking about it on the way  
23 here and just thinking about sort of a common sense  
24 approach to this stuff. I think all of you know that  
25 Pennsylvania already has an extensive rights-to-know

1 process that protects government municipalities, school  
2 districts and also the citizens to have knowledge about  
3 what's going on within their government.

4 There's a line in this legislation that  
5 will become very well-known throughout the Commonwealth  
6 if this goes through. I would just like to read you  
7 that. The line is that it is reasonably likely to  
8 jeopardize or threaten public safety or preparedness or  
9 public protection activity.

10 That line would allow anybody from the  
11 volunteer firefighter to municipality clerk, anybody, to  
12 automatically exclude any record to citizens of this  
13 Commonwealth, including the media.

14 And what's really scary about that is if  
15 that is done, there's no recourse. There's no way for us  
16 to challenge that and say well, why, why is this not  
17 available. And that's very concerning.

18 I was thinking about this on the way  
19 here. I don't know why, and it's more on a national  
20 level, but I'm a former Army guy, served in the U.S. Army  
21 for a number of years, and the story of Pat Tillman  
22 always sort of got me, because of a guy giving up his NFL  
23 career to go join the Ranger Battalion, which is what I  
24 was in, and then lost his life.

25 If you remember that tragedy, he lost his

1 life in battle, and it was a friendly fire incident. We  
2 all know that happens. And I think those with big  
3 thinking want to learn about friendly fire and how it  
4 happened, why it happened, and then put in processes in  
5 place so it doesn't happen again.

6 Those who were connected to it didn't want  
7 people to know it was friendly fire for whatever their  
8 reasons were and tried to cover that up. And because the  
9 family had access through records and processes, were  
10 eventually able to get the truth out. And I would argue  
11 that that in time will save lives, military lives.

12 And one of my concerns with this is any  
13 time you talk about, quote, national security, it almost  
14 becomes un-American to challenge, that we would in some  
15 way jeopardize the life of a police officer or anybody.  
16 Obviously, we would never want to do that. We have great  
17 respect for that.

18 But there is a balance. And any, any  
19 document, any meeting that we can say, Well, it's closed;  
20 nobody's allowed to know what went on in this meeting.  
21 Well, why not? Well, because it's going to threaten  
22 national security if we know about it.

23 There has to be reasonableness for us to  
24 say Well, why is that the case. You can't just blanketly  
25 give everybody, and I mean everybody, the ability to sort

1 of exclude citizens from asking questions about what  
2 their government is doing, why they're doing it.

3 And when you do that, if you exclude that  
4 ability to ask questions, you are just opening  
5 opportunity for fraud, you're opening opportunity for  
6 behaviors that would not be done if there's potential to  
7 be seen. And I think that's very, very dangerous for the  
8 Commonwealth and for the citizens.

9 CHAIRMAN BARRAR: Is that it?

10 MR. TILL: That's it. Thank you very  
11 much.

12 CHAIRMAN BARRAR: Are there questions?  
13 Representative Hackett has a question.

14 REPRESENTATIVE HACKETT: Thank you,  
15 Mr. Chairman, thank you, Mr. Till, for appearing here  
16 today.

17 I'm still trying to just get my head  
18 around it. So what information under that section you  
19 referred to, 7715, what information do you think you  
20 would not get?

21 MR. TILL: If they invoke the line that I  
22 read, if we asked for a document or what happened at that  
23 meeting, if you say the line, That if we tell you that it  
24 would reasonably be likely to jeopardize or threaten  
25 public safety or preparedness or public protection



1 activity, we would get nothing.

2 It's a blanket. They don't have to tell  
3 us anything. Don't have to tell the citizens. And more  
4 importantly, there's no way to challenge that. We can't  
5 go back and say, Well, why is it a threat to national  
6 security? Why is it a threat? And have some  
7 reasonableness to explain why that is.

8 And again nobody's looking for national  
9 secrets. But there has to be a reasonableness.

10 If the local fire department or local  
11 police department can just blanketly say we don't have to  
12 tell you because it's going to jeopardize national  
13 security, it's a very, very scary process.

14 And again, what we really want to point  
15 out is the Pennsylvania Right-To-Know Law already, as it  
16 exists, puts in more-than-adequate protections and  
17 processes for everybody.

18 REPRESENTATIVE HACKETT: Mr. Chairman, can  
19 you give me a little bit of leeway here?

20 CHAIRMAN BARRAR: Yes.

21 REPRESENTATIVE HACKETT: I just want to  
22 expand on this a little bit. And I know you told a  
23 story, and I'm going to tell a little story, too.

24 Before I get to that, so let's say  
25 emergency management, they have their meeting going on,

1 there's some plans, what happens if we have to do a  
2 lockdown on a certain school, we've got an active shooter  
3 going on. So you guys want access to that information.

4 Okay. So let's say the meeting's over and  
5 we say all right, they'll give it to them after the  
6 meeting. That would affect, depending on how that was  
7 written, that would affect plans down the road for the  
8 next school down the road, the next school lockdown drill  
9 that we had down the road. That's what I'm a little bit  
10 concerned about.

11 I can tell you also presently and in my  
12 career as a law enforcement officer, I've actually had a  
13 warrant crunched on a guy, which means signed by a  
14 judge. By the time I got to that house to serve the  
15 warrant he was sitting on his computer when I walked in  
16 the front door. To me that's a very dangerous situation,  
17 sir.

18 And I just don't think we're stepping over  
19 any lines here. I think it's adequate. I don't think  
20 we're holding anything back from the public.

21 I also, as an elected official, most  
22 recently have knocked on a whole bunch of doors. And I  
23 asked this question of the citizens. And the citizens  
24 tell me, we don't need to know everything. We don't need  
25 to know every little act that you guys are doing out

1 there. Why are we always giving away our trade secrets?

2 I said my peace, you said yours. I  
3 just wanted to make it clear like that. I take this to  
4 the heart. I think some things should not be shared so  
5 readily or openly sometimes, because I do believe that  
6 definition in there, that it could cause, it could cause  
7 a problem to these firefighters and all when they're  
8 hitting a building.

9 I've hit the meth labs, I've done that.  
10 These are safety issues and emergency management guys  
11 deal with that.

12 Thank you, Mr. Chairman. I'm sorry.

13 CHAIRMAN BARRAR: That's okay. That's why  
14 we're here.

15 MS. MUSSELMAN: If I may, Representative,  
16 thank you. I'm Deb Musselman, I'm Director of Government  
17 Affairs with the association.

18 I would like to ask you to refer to what  
19 we've labeled Attachment A on the pages of our testimony,  
20 which lays out the extremely detailed material and  
21 information which is protected now under the Right-to-  
22 Know Law.

23 I think probably you could easily put that  
24 lockdown planning information would fall under the  
25 planning provisions of exception three.

1 REPRESENTATIVE HACKETT: So again I ask  
2 the question then, what information do you want to get?

3 MR. TILL: Let me put it this way. I  
4 don't disagree with you. If you're going to raid a meth  
5 lab, we're not going to put it on the website, Hey, in  
6 ten minutes go stand across the street, they're going to  
7 raid a meth lab.

8 REPRESENTATIVE HACKETT: You won't do it,  
9 but it's been done.

10 MS. MUSSELMAN: And that's all protected  
11 under the --

12 MR. TILL: That's here. My point would  
13 be, let's assume that you raid a home and the public  
14 wants to know why, after the fact. If you invoke this  
15 little language, they'll never know. And we have no way  
16 to come back to you and say, well -- you say, Well, it's  
17 in the interest of national security, we're not going to  
18 tell you.

19 We say, Well, wait. I think we have the  
20 reasonableness to say, Well, can you explain why?

21 REPRESENTATIVE HACKETT: You do. And I'm  
22 going to give you a real story. I raided --

23 MR. TILL: We don't. With this language  
24 we don't.

25 REPRESENTATIVE HACKETT: I get drug

1 dealers inside that meth lab, I don't put their names out  
2 there and tell you why we raided it because I use those  
3 two dealers to get two more dealers up the ladder, and if  
4 I give it to you guys that name gets on the street and I  
5 can't go any further to get the big guys.

6 MR. TILL: And that's fine. But at some  
7 point --

8 MS. MUSSELMAN: Excuse me. And that's  
9 actually protected under the judicial records provision  
10 of the Right-To-Know Law, Representative.

11 REPRESENTATIVE HACKETT: So what  
12 information do you need?

13 MS. MUSSELMAN: The question is -- I don't  
14 think we really know for sure what kind of information  
15 might be denied under the language in the bill.

16 If you look elsewhere in our testimony, we  
17 reference the case of Bowling vs. PEMA, the paper in  
18 Western Pennsylvania was interested in learning what had  
19 been purchased with some federal grant money.

20 They said No, you can't find out about  
21 anything. Commonwealth Court did rule on that and said  
22 No, security, locations of computer servers, that is  
23 justified. It fits within these exceptions. They cut  
24 bungee cords, you can release bungee cords.

25 So it's a matter of the agency needs to

1 have the same checks and balances applicable to it as all  
2 of the other agencies. The major problem with the  
3 provision, it's on page 85 of the bill, is that there is  
4 no appeal. There's no checks and balances or appeal  
5 whatsoever in this confidentiality section. That's  
6 unique.

7 Nobody else, legislative records, any  
8 executive agency records, they're all, if the agency says  
9 no, if there's an appeal process. Not here. And that is  
10 really unique in our democracy.

11 CHAIRMAN BARRAR: So last year when the --  
12 I'm sorry, Representative Hackett, did you have a  
13 question?

14 REPRESENTATIVE HACKETT: No, I'm okay,  
15 Mr. Chairman.

16 CHAIRMAN BARRAR: So last year when the  
17 PEMA council met, was there any information withheld from  
18 you during the PEMA council meetings that may have  
19 happened over the tropical storms, was it two years ago  
20 we had those storms? Would have been last year.

21 MS. MUSSELMAN: We haven't studied that.

22 MR. TILL: I wouldn't know.

23 CHAIRMAN BARRAR: I know the PEMA council  
24 met numerous times in a ten-day period when the two  
25 tropical storms and the earthquake and everything else

1 that has happened. I'm just looking to see if there's  
2 been any reason to object to that, where you have been  
3 denied information in the past from any of these  
4 agencies.

5 MR. TILL: The concern is not -- today  
6 there are no problems. The concern with this language is  
7 that it's so restrictive and it's so absolute in its  
8 decision, and it's absolute to pretty much anybody.

9 CHAIRMAN BARRAR: Restrictive because it  
10 says the meetings of the PEMA council and any emergency  
11 management program are not subject to the open meeting  
12 law under Title 65?

13 MR. TILL: Right. Our argument would be  
14 with the protections that are already in place, there's  
15 enough -- this incredibly restrictive language, it's not  
16 necessary. There's no reason to go to that extreme, and  
17 again, to say every meeting has to be closed. Well, I  
18 mean why?

19 To say that I can just, anybody, and  
20 again, any personnel, if you're involved with law  
21 enforcement, school district, municipality, state and  
22 local emergency services can just cut off any knowledge  
23 of any meeting, of any expenditure.

24 If we want to know something, we're not  
25 going to tell you. And the concern is there, again,

1 there's no recourse to go back and say what. And my  
2 concern as a publisher, and I cover the Lehigh Valley, so  
3 Allentown, Bethlehem, Easton area, we had four years  
4 ago -- little bit longer than that, five years ago, we  
5 had an Easton cop killed in the Easton Police Department  
6 by another police officer.

7 And it was ridiculous the time it took to  
8 find out what happened. We didn't want to show photos of  
9 the dead police officer. We were incredibly respectful  
10 to his wife and family and other police officers. We  
11 understood it was a mistake.

12 But if this is in place they can say Well,  
13 it's national security, we really can't tell you  
14 anything. And in this case we have no recourse. We  
15 can't go back and say explain to us why that is the  
16 case.

17 And my concern is that that will happen on  
18 a regular basis. That little statement will be invoked  
19 on a regular basis. And I understand the extreme ways  
20 that it can be used to benefit. But we got to think  
21 about all the ways it can be used on the negative side as  
22 well.

23 Again, find some balance. We believe  
24 strongly that the language that exists today, and we  
25 really encourage you to read it and go through it,



1 already gives all of the restrictions that are necessary  
2 to invoke privacy, to protect lives and do what the bill  
3 needs to do. We're not fighting against that.

4 The key is there's got to be some  
5 followup. There's got to be some way for us to be able  
6 to challenge the decision and ask in a reasonableness way  
7 why is that the case.

8 CHAIRMAN BARRAR: Representative Farry.

9 REPRESENTATIVE FARRY: Thank you,  
10 Mr. Chairman. A couple points, and my colleague to my  
11 right raised the question several times in terms of what  
12 information are you looking for.

13 If there's an expenditure, and let's talk  
14 on the local government level, whether you're talking  
15 county or municipal, if there's an expenditure you're  
16 going to have access to the bill list.

17 MS. MUSSELMAN: Excuse me. Not under the  
18 way the bill is written right now. The Right-To-Know  
19 Law, but not under the Section 7715.

20 REPRESENTATIVE FARRY: I think you will be  
21 able to get that because it's going to be a government  
22 action by the local body approving that expenditure. But  
23 regardless, the local government is accountable to their  
24 citizens, quite frankly, and you referenced citizens.  
25 But something I think ought to be clear, Mr. Till, your

1 company is for profit, I presume. Right?

2 MR. TILL: Correct.

3 REPRESENTATIVE FARRY: So when we talk  
4 about the citizens, if the residents here in Media are  
5 unhappy with their town council or their town supervisors  
6 in terms of releasing information, whether it's a police  
7 shooting that you referenced, or something relating to  
8 emergency management, the government is going to be  
9 accountable to those citizens and they'll be able to come  
10 to a public meeting and ask questions. And if they're  
11 dissatisfied they can eventually throw those folks out.

12 MR. TILL: With all due respect, that's  
13 assuming the citizens know about it.

14 REPRESENTATIVE FARRY: Right. Correct.

15 MR. TILL: And if it's held under wrap and  
16 there's no challenge to it, it may never be known. They  
17 may not know about it.

18 REPRESENTATIVE FARRY: They very well may  
19 not. But the items we're talking about here, we're  
20 talking about emergency management planning, we're  
21 talking about the preparation.

22 The one gentleman testified about the  
23 plans for schools. Very simply, if the emergency manager  
24 has the plans for a school and what they're going to do  
25 in various emergency situations, whether it be a fire,

1 whether it be a hostage situation, I would beg to differ  
2 with your opinion because I believe that should be held  
3 in confidence.

4 If you have somebody planning an act of  
5 violence against the school and they have access to what  
6 that plan is for the school in the event of an emergency  
7 you're aiding them in -- not you specifically --

8 MR. TILL: I got you.

9 REPRESENTATIVE FARRY: -- but the release  
10 of the information is aiding the assailant there. And I  
11 think that's very problematic.

12 I can speak firsthand for something that  
13 happened in Bucks County. A resident sought the  
14 emergency response for a township's fire companies. And  
15 very simply, if that person intended to be a terrorist  
16 and set off a primary device at say Sesame Place, which  
17 is within that town, and the explosion goes off at Sesame  
18 Place and they know these five fire companies are the  
19 first to respond, and they had secondary devices, which  
20 is a common thing with terrorist activity, set up at  
21 those fire departments that go off, say, five minutes  
22 later, they could have wiped out the whole initial  
23 response force. It was actually an open records battle  
24 that went on.

25 And the burden was on the emergency

1 responders and the municipal government and the county  
2 government to fight that open records request.

3 And what I think this does is this  
4 provides the protection for the emergency services.

5 MR. TILL: Can I ask who won that?

6 REPRESENTATIVE FARRY: What's that?

7 MR. TILL: Who won that fight?

8 REPRESENTATIVE FARRY: Ultimately, the  
9 municipality.

10 MS. MUSSELMAN: That's under the current  
11 law.

12 MR. TILL: That's our argument, there are  
13 no protections. And again, I don't disagree with you.  
14 I've got two kids in school, I get it. I have no desire  
15 to put my children at risk or any other children at  
16 risk.

17 But again, there has to be a balance. And  
18 I think that's what my argument is. And that is the  
19 point, that didn't become public knowledge, and the  
20 process and the laws that are already in place protect  
21 that. But they allow a process to get there.

22 And again, nobody wants to help  
23 terrorists. I mean it's common sense. But there has to  
24 be -- we have to have the ability, and this is my sort of  
25 thing. We have to have the ability to hold government

1 accountable. We just do. I mean we just do. And not --  
2 when I say "we" I don't mean the newspapers or the media,  
3 I mean citizens.

4 If you invoke this amount of  
5 confidentiality, we lose that ability. And I would  
6 argue, as we say, that the laws that are already written  
7 and the Pennsylvania Right-To-Know laws already allow  
8 those cases that, you're right, that are going to risk  
9 lives and put police officers or citizens at risk. They  
10 already exist. It's already there.

11 It's a common sense approach, and it may  
12 be annoying and it may be time consuming that we have to  
13 sort of fight these battles and common sense should  
14 prevail. But even if common sense doesn't prevail, you  
15 go to a hearing or you go to court; the protections are  
16 already there. We don't need more. More becomes too  
17 restrictive.

18 REPRESENTATIVE FARRY: A point I would  
19 like to make, referring back to the case that happened in  
20 Bucks County, luckily that one fire department's chief  
21 was a lawyer, and he led the fight.

22 Quite frankly, a lot of fire departments  
23 don't have that level of sophistication and they're put  
24 in a very unfair position. Personally, I believe fire  
25 companies are exempt from the open records law. I'm

1 sure you disagree with that.

2 But fire companies are separate nonprofit  
3 entities serving the community. In terms of the  
4 emergency management planning, that is done as a  
5 municipal or county function. And obviously it goes on  
6 at the state level as well.

7 But the specificity of it is at a local  
8 level. And I, quite frankly, agree with what's here. I  
9 respect your point, you should have some degree of access  
10 to it. And you may have a high degree of journalistic  
11 ethics, but there's a lot of media outlets that don't.

12 And if that fire company didn't have that  
13 attorney as chief leading that fight, those records would  
14 have been opened and it would have been precedent-setting  
15 on every other fire company or municipality in the  
16 Commonwealth would have been subject to those records  
17 being released.

18 And quite frankly, that would be extremely  
19 compromising. Because that decision would have been  
20 cited, no different than you're citing the federal grant  
21 decision from Western Pennsylvania.

22 MR. TILL: But what do you do in a case  
23 where you've got a local municipality or school district  
24 and they get a grant, \$50,000 grant, and the question is  
25 what did you spend the grant money on?

1                   REPRESENTATIVE FARRY: But they're  
2     accountable to the grant agency that awarded that grant.  
3     If that grant wasn't spent -- if this fire company got a  
4     grant for a thermal imaging camera, for example, and they  
5     turned around and spent it on liquor for their bar right  
6     here, quite frankly the state agency is going to crack  
7     down on that.

8                   I think you have to have some degree of  
9     respect for your governing bodies that the money's going  
10    to be spent properly. I mean in that case in terms of  
11    the Homeland Security grant from out west, I mean  
12    personally if you're talking about terrorist  
13    sophistication, I don't want them knowing who has gas  
14    monitoring meters or who has decontamination equipment.

15                  I don't think that should be publicly out  
16    there. I think the governing agency that awarded that  
17    grant is the party that's responsible for ensuring that  
18    grant is properly spent.

19                  MR. TILL: I think there's got to be a  
20    balance. And again, I think hopefully we already have  
21    it.

22                  And again, I do trust my government, to a  
23    point. And I think that's the way we should all be. And  
24    even if only 1 percent or .1 percent we can't trust, we  
25    need to have a way to check them.

1                   And with this, with this incredibly  
2 restrictive process -- or not even process, this  
3 restrictive language, there's no checks and balances and  
4 I just think that's very dangerous.

5                   REPRESENTATIVE FARRY: One more question,  
6 please.

7                   CHAIRMAN BARRAR: Yes.

8                   REPRESENTATIVE FARRY: That .1 percent  
9 that you're referring to of government that may be  
10 disingenuous, there's also that .1 percent of  
11 journalists, though, that are going to put information  
12 out there that they shouldn't put out there that can be  
13 compromising the emergency folks you see in this room.

14                   I think the balance needs to be tilted in  
15 favor of those providing the emergency services. It's a  
16 different world today with terrorists, with the probing,  
17 the planning and everything else that goes on.

18                   It's not a matter of just fighting house  
19 fires and having natural disasters anymore. There are  
20 people that have ill intent, whether they're domestic or  
21 foreign terrorists, and I think we need to err on the  
22 side of emergency preparedness. I respect your opinion.

23                   MR. TILL: And so there should be no way  
24 to check if a school district says we're not telling you  
25 what's going on because it's in, it's national security,



1 and we're not going to tell you how money was spent,  
2 we're not going to tell you -- again not what the  
3 evacuation process is. Data, how it was used. They can  
4 just shut that down.

5 REPRESENTATIVE FARRY: Well, we're kind of  
6 talking about two different things here. Because one, my  
7 concern is the journalist or the citizen is somehow going  
8 to publish on the Internet, for example, through blogging  
9 or whatever, what the emergency planning is. That's what  
10 my concern is.

11 In terms of grants and how they're spent,  
12 if it's good government, they're going to sit there and  
13 say we used that money to buy fire extinguishers, fire  
14 hoses, whatever. And they're going to provide that  
15 information.

16 If they don't want to provide that  
17 information, you can write the article and say we asked  
18 local government, XYZ, how this grant money was spent and  
19 they chose not to tell us.

20 You know what, if they're citizens, don't  
21 go to the meeting and ask their elected officials, then  
22 that's on their citizens.

23 I'm talking about the actual planning  
24 aspect, and that's what my concern is.

25 CHAIRMAN BARRAR: I think you'll find out

1 that the majority of the members, not to speak for them,  
2 are concerned about this issue. And I think our goal to  
3 protect vital information is overwhelming here.

4 But I think on certain issues here, I  
5 think the committee would definitely sit down with PEMA  
6 and we're open to looking at ways to make sure you're  
7 given the information you're needed, without putting  
8 anybody on the line or anybody's life on the line here.

9 When it comes to government expenditures I  
10 would agree with you that I don't think anybody is  
11 opposed to the press having access to the way money is  
12 being spent, especially to make sure it's being spent in  
13 the wisest possible way, because I know myself I've seen,  
14 we've all seen it here at this table, grant money that's  
15 been abused and has been very difficult to find the trail  
16 where it's spent.

17 MR. TILL: Right. And again, I think we  
18 all do want the same thing. We really do. Again, the  
19 concern is that we just shut the door to any, any sort of  
20 conversation about why. And I think that's, in any sense  
21 of government, I think that's a lot of power to give to  
22 people, to have no, no recourse and no ability to  
23 question it. I think that's a very dangerous precedent  
24 to set in any part of the government.

25 CHAIRMAN BARRAR: But we will stay in

1 touch with you, and as we talk to PEMA with this to see  
2 if we can come up with some language that might be  
3 suitable to change, to give you the access you are  
4 looking for.

5 MS. MUSSELMAN: We really appreciate that,  
6 Representative. We have seen some exposure drafts. We  
7 haven't received one since 2009. So there was a point  
8 that we did have the opportunity to comment but, you  
9 know, since then -- and ironically, that was just at the  
10 point that this new law was going into effect. And the  
11 security language in this act certainly was drafted with  
12 Senator Pileggi, House leadership keeping, you know, 9/11  
13 well in mind.

14 So we'll look forward to working with  
15 you. We appreciate it.

16 CHAIRMAN BARRAR: Thank you for your  
17 testimony.

18 MR. TILL: Thank you very much. We  
19 appreciate it. Thank you.

20 CHAIRMAN BARRAR: That was the last of our  
21 testifiers. But we have with us a group of volunteer  
22 firefighters and I wanted to ask you if you had anything  
23 you wanted to add to the meeting, or were there any  
24 questions that you had concerning this information that's  
25 been disseminated here today?

1 Tom, did you want to say a few words?

2 MR. SAVAGE: I just have a quick  
3 question. Tom Savage from Delaware County.

4 CHAIRMAN BARRAR: Why don't you come to  
5 the table, make it easier.

6 MR. SAVAGE: I just have a quick  
7 question. Tom Savage, Delaware County. As far as  
8 accountability and enforcement, how do you propose to  
9 make this really work when it gets down to the  
10 municipality level?

11 I know that you have to work as a  
12 partnership arrangement, but I know that many local  
13 governments a few years ago, you'll remember, you gave  
14 grants to do the emergency planning, and everybody got a  
15 chance to do their plan and got reimbursed by the state,  
16 and we still couldn't get many municipalities to do the  
17 plan. And many of those plans are not up to date as we  
18 sit here now.

19 I understand the rewrite, a hundred  
20 percent in favor of that. But if there's any way to look  
21 at how do we make it effective, that would be  
22 appreciated.

23 CHAIRMAN BARRAR: Rick, did you want to  
24 answer?

25 MR. O'LEARY: Some of that was mentioned

1 at the last hearing by the Township Commissioners  
2 Association, particularly the funding. Funding is always  
3 a big issue.

4 But the funding and the logistics, some  
5 municipalities are very small. We have villages out  
6 there in Pennsylvania, small little towns. The larger  
7 ones it seems a challenge for. But that's something the  
8 committee needs to look at, emergency management in the  
9 county -- state, county, region, and the local.

10 When it gets down to the local level,  
11 that's where the rubber meets the road a lot of times.  
12 But the challenges are very hard for them. We know with  
13 the floods, a lot of these municipalities, you're  
14 supposed to contact your EMA director or somebody at the  
15 borough office to file claims or get paperwork going.

16 Some of these municipalities, they don't  
17 have a person, or they do but they really don't have an  
18 office, should we say, you know? So it gets challenging  
19 when you're at the very small government level. And the  
20 committee, that's something we have to look at again,  
21 working with PEMA.

22 MR. SAVAGE: Also, second item was the  
23 emergency response system relies a lot in Pennsylvania on  
24 the volunteer companies. We all know, you guys know as  
25 well, there's issues and concerns there with

1     survivability, recruitment retention.

2                     We talk about mergers and consolidations,  
3     we talk about working together, but there's no current  
4     resources available for those groups to do that. We have  
5     one person in the committee for economic development, Rob  
6     Brady, who does a tremendous job. That's one person for  
7     the entire state, and he travels all over.

8                     Now, primarily, because there's no funding  
9     available and there's no staffing available, it ends up I  
10    come down -- he comes down, visits the company, talks to  
11    you about it, gives you an overview of what you ought to  
12    do, hands you some guidelines and says Good luck, because  
13    that's where it ends.

14                    These companies do not have the resources;  
15    they do not have the skill levels any more; the  
16    administrative-type people to effectively take that and  
17    go further with it.

18                    What most people don't know is there are  
19    many, many mergers and consolidations going on, if you  
20    talk to Rob, and there's others that would like to look  
21    at it. They realize there's a problem, but the resources  
22    are not there, the funding's not there.

23                    We have enough people, I'm sure, in  
24    emergency services that could do these type -- deliver  
25    these types of programs. Pennsylvania Fire Emergency

1 Services Institute could organize that, but you have to  
2 have funding to do it. And you're building all of our  
3 emergency services on a shaky foundation unless we  
4 address those issues.

5 CHAIRMAN BARRAR: I think when it comes to  
6 retention or recruitment of our volunteers here today,  
7 for this committee that is definitely a high priority to  
8 come up with some type of solution to basically attract  
9 new members into the volunteer fire companies and retain  
10 the members that we currently have. But again, it all  
11 comes down -- none of it can be done without funding.

12 MR. SAVAGE: I think you're going to see  
13 it move to more combination departments, and it's going  
14 to move to an area where you have two or three  
15 departments today merging. And by the way, that process  
16 that would work so well for the volunteer fire service  
17 community would also work well for municipalities in  
18 Pennsylvania.

19 We frankly just have too many and we can't  
20 fund it anymore.

21 CHAIRMAN BARRAR: Yes. I think most of us  
22 who served in local government realize that. Anybody  
23 have any comments? Any other gentlemen, ladies? Okay.  
24 Thank you.

25 Lloyd, who is a Chester County Emergency

1 Management officer in this town.

2 MR. ROACH: Gentlemen, my name is Lloyd  
3 Roach. I am the emergency coordinator for Birmingham  
4 Township and Pennsbury Township in Chester County. And I  
5 just wanted to reiterate something that's been raised  
6 here before today.

7 I call it a volunteer time starvation.  
8 All of us, especially in the volunteer corps, are now  
9 many times required to fulfill certain training  
10 requirements, which take copious amounts of time,  
11 especially from people who are employed in other jobs.

12 I am fortunate because I'm self-employed,  
13 but I really don't understand how many of them do it. I  
14 for one, for example, have taken over 80 courses in  
15 emergency management in my 30-year career in this.

16 And it is becoming an even greater  
17 burden. And back to what the fire department is  
18 expressing about the need for volunteers to maintain  
19 their enthusiasm and their performance, these  
20 combinations that we're putting together now, like the  
21 one in Avondale that Bobby Kagel mentioned, and the West  
22 Chester Emergency Management Group, of which I am vice  
23 chairman, may be part of the solution, to take and  
24 consolidate in some of these smaller townships.

25 Most townships I represent are under 5,000



1 population, so neither one of them can support a paid  
2 person to do this kind of work. But it is becoming  
3 apparent to me that since these two townships are  
4 adjoining, this might be a solution.

5 So I just want you to think about that as  
6 you're thinking about across the Commonwealth. I also  
7 want to mention to you that I mentioned Bobby, the  
8 support that we get from Chester County Emergency  
9 Management is exceptional with respect to our local  
10 emergency coordinators in the county. It really is.

11 They have a phenomenal training regimen  
12 and I've been to many PEMA courses, both at State College  
13 and Harrisburg, and so you do a good job of supporting us  
14 all.

15 But it just takes a lot of time and you  
16 have to think about that in terms of people who have real  
17 jobs and what they're going.

18 And thank you very much for letting me  
19 comment.

20 CHAIRMAN BARRAR: Representative Hackett,  
21 do you have any questions?

22 REPRESENTATIVE HACKETT: Thank you.  
23 Thanks for joining us today and thanks for your  
24 comments. I agree with you wholeheartedly.

25 Do you see anywhere in the private sector

1 where it would create an interest with the private sector  
2 for some tax credits to those businesses for the  
3 volunteers that work for those companies?

4 MR. ROACH: Well, I'll give you an  
5 example. In our county -- Bobby can probably address it  
6 better than me. We have several large organizations in  
7 Great Valley which I participate in. And some of them are  
8 enormous, like Vanguard, who have their own emergency  
9 management capability inside the building.

10 Where it would help, in my humble opinion  
11 -- I'm a navy vet here like Representative Barrar, and I  
12 remember that if you joined the service or you joined the  
13 National Guard, your employer's got to let you go and  
14 he's got to make sure you have a job when you get back.

15 That is not the case with an EMC that's  
16 been deployed to Florida or to Louisiana. So you might  
17 think about that in terms of your planning.

18 REPRESENTATIVE HACKETT: Thank you.

19 MR. ROACH: Thank you.

20 CHAIRMAN BARRAR: Thank you, everyone. I  
21 want to thank you all for your testimony today. What we  
22 heard here today will definitely help us in crafting the  
23 final draft of this legislation.

24 Our next hearing will be in Pittsburgh,  
25 Pennsylvania, on September 19. We will be at a downtown

1 firefighting facility, which has not yet been  
2 determined.

3 So I want to thank the Members for  
4 traveling out here today also. And our hearing will  
5 conclude.

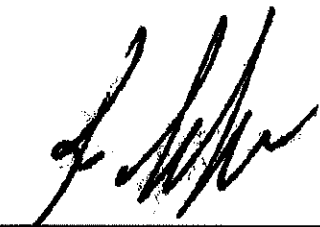
6 Thank you.

7 (Hearing concluded at 11:51 a.m.)  
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I, JAMES DeCRESCENZO, a Registered  
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