

Commonwealth of Pennsylvania, House of Representatives
Veterans Affairs and Emergency Preparedness Committee
Testimony of Samantha Phillips, Deputy Managing Director for Emergency Management
City of Philadelphia
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Good morning. My name is Samantha Phillips and I am the Deputy Managing Director for the City of Philadelphia, Office of Emergency Management. As Deputy Managing Director, I am responsible for the City's emergency management activities, including emergency preparedness and planning, disaster response and coordination, and the management and operation of the City's Emergency Operations Center. It is a pleasure to have the opportunity to share my thoughts on Title 35 with the Pennsylvania House of Representatives, Veterans Affairs and Emergency Preparedness Committee. Thank you for the opportunity.

I have reviewed the draft amendment of Health and Safety (Title 35), Part V. Emergency Management Services (#2012D08769). The revision shows great promise and is an important step towards modernizing this legislation. In general, I applaud the effort to empower emergency managers and provide additional organization around the management of statewide public safety resources. With that said, in my view additional refinement of the language regarding the roles of Commonwealth, county, and local emergency management agencies is crucial to setting clear expectations and implementing comprehensive emergency management programs. Our needs and experiences in the City of Philadelphia are quite unique. I hope my comments provide another perspective. During this testimony, I will discuss the following:

1. The roles and responsibilities of Regional Task Forces,
2. The appointment of Emergency Management Coordinators, and

3. Emergency planning.

I will first address the sections in Title 35 pertaining to Regional Task Forces.

Philadelphia is the core city of a Tier I Urban Area Security Initiative (UASI). In addition to Philadelphia, Bucks, Chester, Delaware and Montgomery Counties are members of the UASI and together comprise the Southeast Pennsylvania Regional Task Force. Title 35 provides a preliminary definition of the role of "Regional Task Forces" and stipulates that those roles include "conducting all-hazards planning, training, preparedness and emergency response activities." While much of this is true, the move to empower regional task forces to manage emergency response activities should be approached cautiously. While Task Forces across the Commonwealth provide needed resources and support in the establishment and maintenance of Specialized Regional Response Teams, those resources are still managed by their home jurisdictions. The empowerment of regional task forces to manage these assets does not necessarily align with county and municipal policies.

Furthermore, Title 35 states that specialized regional task force teams may be activated and deployed by the Governor OR an official designated by the executive board of the regional task force. This needs to be modified to read, "specialized regional task force teams may be activated and deployed by the Governor AND an official designated by the executive board," to recognize that specialized teams are to be deployed following discussions about the needs of various jurisdictions. As it is currently written in the draft, I am concerned that the Governor could authorize the deployment of locally and regionally controlled resources, without prior consultation with local and county leadership.

The final issue pertaining to Regional Task Forces is the designation of a fiduciary agent. Title 35 states that the task force shall designate one of its member counties to act as its fiduciary

agent. The Southeast Pennsylvania Regional Task Force recently transitioned to a third party fiduciary. It is important that Task Forces retain the option to use either a government or independent fiduciary agent.

I will now switch gears and discuss the role of the Pennsylvania Emergency Management Agency (PEMA) in the appointment of Emergency Management Coordinators. Title 35 discusses the appointment, accreditation, and on-going training of emergency management coordinators. Significant authority is given to the PEMA Director and Governor in approving these appointments. It reads as though appointees selected by county or city executives could be overturned by the PEMA Director or Governor. It also states that the "agency" (PEMA) can "prescribe other qualifications for the appointment of coordinators as it deems necessary." Language in this section should be clarified so it reads clearly that PEMA has no authority in personnel decisions at the county and municipal levels.

The final topic I will address this morning pertains to emergency planning, both the planning conducted by emergency management organizations and our responsibilities for reviewing and potentially certifying local plans submitted to us by organizations within our communities.

Title 35 states that county and local emergency management programs shall "Prepare, maintain, and keep current as specified by PEMA emergency management plans." Similarly to other comments on the draft, one could interpret this as meaning that PEMA could dictate the way local governments plan within respective jurisdictions. Local jurisdictions have unique needs and should have the flexibility to plan to those specific and distinct needs.

The draft amendment of Title 35 contains an entirely new section that speaks to the roles of county emergency management programs in reviewing and approving plans and participating in drills and exercises. There are several clauses that need additional elaboration.

For example, county emergency management agencies are responsible for "reviewing and accepting emergency management plans and programs developed by school districts, dependent care facilities and other entities located within the municipality that are required by law or the Commonwealth to develop and maintain preparedness and emergency management capabilities." Philadelphia's Office of Emergency Management does collect the plans for dependent care facilities and day care facilities. In fact, we have spent considerable time working with the Pennsylvania Department of Public Welfare to further articulate our respective roles and responsibilities both in preparedness and in responding to emergencies at personal care homes. While we have invested time and resources into advancing this conversation, there are still many areas that need further consideration. For now, we have developed a protocol in which my office submits an annual record of plan submission to DPW. At minimum, this informs DPW of facilities that have failed to submit plans to local emergency management.

Additionally, the definition of "Review and Accept" says that it is the responsibility of emergency management to "ensure compliance with established planning criteria, adherence to templates and completeness." Asking local jurisdictions to do those additional things requires additional resources. For example, in Philadelphia alone, there are over 500 school facilities, approximately 1,900 day cares, and nearly 80 personal care homes. Reviewing plans for these facilities could be a laborious process. Finally, during our numerous conversations with DPW about the plans required of personal care homes, we discovered inconsistencies between the regulation and the licensing measurement instrument (LMI). If there is a desire for local

emergency management programs to be more involved in reviewing plans, more precise standards are necessary. Failure to be extremely clear on these items could lead to inconsistencies and in inability to implement plans during emergencies.

We support the requirement that schools and custodial care facilities conduct annual drills, as articulated in the Title. Additional clarification is needed regarding, "the disaster exercise shall be coordinated with the appropriate emergency management program." Do emergency management programs need to attend, participate, or simply be aware that these drills are occurring? Given the number of schools and custodial care facilities within Philadelphia, the answer could have a significant impact on staffing and program management.

In closing, I appreciate the efforts taken to revisit Title 35. This is an important piece of legislation for emergency management programs across the Commonwealth. As demonstrated by my aforementioned comments, in my view additional language is needed to clearly define and articulate respective roles and responsibilities. I would be happy to work with the committee to help craft language to refine these issues. This concludes my formal testimony. I apologize for not being present for today's hearing but would welcome further discussion on this matter.