AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

LEVERAGING MUTUAL AID FOR EFFECTIVE EMERGENCY RESPONSE

HEARING

BEFORE THE

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

NOVEMBER 15, 2007

Serial No. 110–87

Printed for the use of the Committee on Homeland Security

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html

U.S. GOVERNMENT PRINTING OFFICE

48–982 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

Congress.#13

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California,
EDWARD J. MARKEY, Massachusetts
NORMAN D. DICKS, Washington
JANE HARMAN, California
PETER A. DEFAZIO, Oregon
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
JAMES R. LANGEVIN, Rhode Island
HENRY CUELLAR, Texas
CHRISTOPHER P. CARNEY, Pennsylvania
YVETTE D. CLARKE, New York
AL GREEN, Texas
ED PERLMUTTER, Colorado
VACANCY

PETER T. KING, New York
LAMAR SMITH, Texas
CHRISTOPHER SHAYS, Connecticut
MARK E. SOUDER, Indiana
TOM DAVIS, Virginia
DANIEL E. LUNGREN, California
MIKE ROGERS, Alabama
BOBBY JINDAL, Louisiana
DAVID G. REICHERT, Washington
MICHAEL T. MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GINNY BROWN-WAITE, Florida
MARSHA BLACKBURN, Tennessee
GUS M. BILIRAKIS, Florida
DAVID DAVIS, Tennessee

JESSICA HERRA-FLANIGAN, *Staff Director & General Counsel*
ROSALINE COHEN, *Chief Counsel*
MICHAEL TWINCHEK, *Chief Clerk*
ROBERT O'CONNOR, *Minority Staff Director*

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

HENRY CUELLAR, Texas, *Chairman*

LORETTA SANCHEZ, California
NORMAN D. DICKS, Washington
NITA M. LOWEY, New York
ELEANOR HOLMES NORTON, District of Columbia
DONNA M. CHRISTENSEN, U.S. Virgin Islands
BOB ETHERIDGE, North Carolina
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

CHARLES W. DENT, Pennsylvania
MARK E. SOUDER, Indiana
MIKE ROGERS, Alabama
BOBBY JINDAL, Louisiana
DAVID DAVIS, Tennessee
PETER T. KING, New York *(Ex Officio)*

CRAIG SHARMAN, *Director*
NICHOLE FRANCIS, *Counsel*
BRIAN TURBYFILL, *Clerk*
HEATHER HOGG, *Minority Senior Professional Staff Member*

VerDate Nov 24 2008 10:55 Nov 30, 2009 Jkt 000000 PO 00000 Frm 00002 Fmt 0486 Sfmt 0486 H:\DOCS\110-HRGS\110-87\48982.TXT HSEC PsN: DIANE

CONTENTS

Page

STATEMENTS

The Honorable Henry Cuellar, a Representative in Congress from the State of Texas, and Chairman, Subcommittee on Emergency Communications, Preparedness, and Response 1
The Honorable Charles W. Dent, a Representative in Congress from the State of Pennsylvania, and Ranking Member, Subcommittee on Emergency Communications, Preparedness, and Response 2

WITNESSES

Mr. Marko Bourne, Director of Policy and Program Analysis, Federal Emergency Management Agency, Department of Homeland Security:
Oral Statement 13
Prepared Statement 17
Mr. Jim McPartlon, President, American Ambulance Association:
Oral Statement 35
Prepared Statement 37
Mr. Kenneth Murphy, President, National Emergency Management Association, Director of the Oregon Office of Emergency Management:
Oral Statement 19
Prepared Statement 22
Major Michael Ronczkowski, Homeland Security Bureau, Miami-Dade Police Department:
Oral Statement 30
Prepared Statement 33
Chief Steven P. Westermann, President, International Association of Fire Chiefs:
Oral Statement 25
Prepared Statement 27

FOR THE RECORD

Sheriff Leroy D. Baca, Los Angeles County:
Prepared Statement 10
Mr. Richard L. Cashdollar, Senior Advisor, Major Cities (Police) Chiefs:
Prepared Statement 3

APPENDIX

Additional Questions and Responses:
Responses from Mr. Marko Bourne 47
Responses from Mr. Jim McPartlon 52
Reaponses from Mr. Kenneth Murphy 53
Responses from Major Michael Ronczkowski 57
Responses from Chief Steven P. Westermann 61

VerDate Nov 24 2008 10:55 Nov 30, 2009 Jkt 000000 PO 00000 Frm 00003 Fmt 5904 Sfmt 5904 H:\DOCS\110-HRGS\110-87\48982.TXT HSEC PsN: DIANE

LEVERAGING MUTUAL AID FOR EFFECTIVE EMERGENCY RESPONSE

Thursday, November 15, 2007

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
PREPAREDNESS, AND RESPONSE,
Washington, DC.

The subcommittee met, pursuant to call, at 2:05 p.m., in Room 311, Cannon House Office Building, Hon. Henry Cuellar [chairman of the subcommittee] presiding.

Present: Representatives Cuellar, Etheridge and Dent.

Mr. CUELLAR. All right. This meeting is now called to order. The subcommittee will come to order.

First of all, I want to thank all the witnesses for being here. And I apologize, as you can see, we are toward the end of the session, so it is going to be one of those interesting hearings as we try to go in and do some votes. But I think probably what we will do is we will do the opening statements, and then we will probably have to depart as we go to do the votes, and then we will come back again.

So I want to thank all of you all as we examine the effectiveness of the mutual aid system which we have in place across the country. If our Nation is going to truly be resilient to the effects of an act of terrorism or natural disaster, we need to have a robust system in place whereby an effective community can call on resources from surrounding jurisdictions and States to respond to that particular emergency. Additionally, we need to know that when a call goes out for help, the resources come quickly, the right people and the right equipment show up, the personnel is trained, and the assistant community at stake will get paid back in a timely manner.

With this hearing we hope to examine how mutual aid works during an emergency and how it is managed both in an intrastate and an interstate level. This includes examining the effectiveness of the Emergency Management Assistance Compact, or EMAC, or how it can be improved. As you know, EMAC is an interstate mutual aid compact that provides a legal system by which States affected by this type of disaster may request emergency assistance from other States. The compact is administered by the National Emergency Management Association, who we are glad to have here today to testify. The compact was extensively utilized in the wake of Hurricane Katrina and in the recent California wildfires. I would be interested in hearing about the improvements made to the system since Katrina and how they played out during the wildfires.

VerDate Nov 24 2008 10:55 Nov 30, 2009 Jkt 000000 PO 00000 Frm 00005 Fmt 6633 Sfmt 6633 H:\DOCS\110-HRGS\110-87\48982.TXT HSEC PsN: DIANE

This committee is very interested in the issue of mutual aid and in credentialing also. In fact, as part of the 9/11 Commission bill we passed earlier this year, we require that within 1 year of enactment, the credentialing and the resourcing-typing standards under development by FEMA be finalized and provided to every Federal agency with responsibilities under the National Response Framework as well as State, local and tribal governments. We also mandated that all Federal agencies implement credentialing and resource typing standards within 6 months of receiving the standards from FEMA. I look forward to hearing from FEMA on the progress they are making on implementing this requirement and the steps that they are taking to ensure that our Nation's mutual aid system works.

Finally, I look forward to hearing from our witnesses from the fire, EMS and law enforcement communities on how they fit in the system. I would also be interested to hear how they feel we can make progress on the credentialing of first responders so that incident commanders can accurately verify the identity and qualifications of the emergency personnel responding to an incident.

In closing, let me say that I totally believe that when it comes to mutual aid and credentialing, FEMA and our State and local emergency personnel are making progress; however, I think we still have a long way to go to be ready to respond to the next disaster.

Mr. CUELLAR. The Chair now recognizes the Ranking Member of the subcommittee, the gentleman from Pennsylvania, Mr. Dent for an opening statement.

Mr. DENT. Thank you, Mr. Chairman.

As you know, mutual aid agreements, such as the Emergency Management Assistance Compact, or EMAC, form the pillar of our emergency management system. Through a series of agreements and a network administered by the National Emergency Management Association, it provides State and local governments with a variety of emergency response capabilities to fill gaps or shortfalls in their own capabilities.

EMAC was used to help respond to the terrorist attacks of September 11, Hurricanes Katrina and Rita in 2005, and most recently, the wildfires in California. In each of these incidents, unaffected States were able to offer assistance, including the provision of emergency management personnel, law enforcement officers, firefighters, fire engines, search-and-rescue teams, communications equipment, ambulances, and public health personnel, among other things.

Today's hearing offers an opportunity to discuss the critical support EMAC and other mutual aid agreements provide in responding to these emergencies. It also provides an opportunity to discuss how we can further support these agreements and improve their efficiency and effectiveness.

I am pleased to have with us today a distinguished group of experts to discuss this important issue, including representatives from FEMA and the National Emergency Management Agency, as well as individuals representing the fire services, law enforcement community, and emergency medical service providers. Each of the witnesses is working hard to support mutual aid and to improve the sharing of critical resources in times of need.

And, as you may be aware, this hearing was originally scheduled to occur last week at which time a representative from the Major City Chiefs, Richard Cashdollar, was scheduled to testify. Unfortunately Mr. Cashdollar had a scheduling conflict and was unable to be with us today, but he did, however, submit a written testimony, and I would like to ask unanimous consent that it be included in the record.

Mr. CUELLAR. So ordered. Without objection, so ordered.

[The statement of Mr. Cashdollar follows:]

FOR THE RECORD

PREPARED STATEMENT OF RICHARD L. CASHDOLLAR, SENIOR ADVISOR, MAJOR CITIES (POLICE) CHIEFS

Chairman Cuellar, Ranking Member Dent, members of the Subcommittee, thank you for the opportunity to discuss the issues and opportunities surrounding the use of mutual aid in response to all-hazard disasters in the United States.

My name is Richard Cashdollar. I am a consultant associated with Frazier Group LLC, a nationwide firm specializing in law enforcement and homeland security issues. I also serve as a volunteer Advisor for the Major Cities (Police) Chiefs Association (MCC). MCC membership is comprised of the Chiefs of the 63 largest police departments in the United States and Canada. Membership in MCC is limited to Chiefs who serve cities with a core population greater than 500,000, and who have police departments with more than 1,000 sworn officers. I appear before you today in my capacity as Senior Advisor to MCC.

I have been a public servant for two careers, serving as a commissioned officer in the United States Coast Guard for twenty-six years, and as Executive Director of Public Safety for the City of Mobile, Alabama, for nearly twelve years. During my Coast Guard career I was heavily involved in the drug wars in the Caribbean, serving not only operational interdiction assignments, but also involved in interagency law enforcement initiatives, and in tactical drug intelligence fusion operations as well. I also served tours of duty where I was seconded by the Coast Guard to the Justice Department, the State Department, the Office of the Vice President, and the Executive Office of the President. During my second career as Executive Director of Public Safety for the City of Mobile I was responsible for all public safety programs in the City, managing an annual budget of nearly $70M, supervising two professional Chiefs and the nearly 1,200 personnel in the Police Department, the Fire Department, and Municipal Court. I also served as the City's representative to the Mobile County Emergency Management Agency's Governing Board, and completed three two-year terms as Chairmen of the Board.

As we collectively strive to better prepare our country to Prevent, Protect, Respond to, and Recover from all-hazard disasters there can hardly be a more important topic than mutual aid. The Federal Government simply doesn't own sufficient equipment to provide the necessary levels of support required following a major disaster. Nor does it have the sheer numbers of first responders who are trained to, and who routinely operate in, a civilian urban environment. Only States, Municipalities, and Tribal entities own these diverse resources in sufficient quantities to meet our country's needs as outlined in the National Strategy.

The record of our collective efforts to better prepare our nation for flexible, resilient, and coordinated actions across the scope of the four primary mission areas is well documented, and it is not my purpose here today to review those activities. We have come a long way since 9/11—and even from Katrina, as news coverage of the terrible Southern California wildfires documented. However, we still have a long way to go in this terribly complicated—and expensive—environment. In my brief time before you today I would like to concentrate on two mutual aid initiatives near and dear to the hearts of the law enforcement community. One project has just been completed, and the other is just beginning. I'm happy to leave the broader aspects of mutual aid program management to my colleagues from FEMA and from EMAC, also represented on this panel. I would note that I have personally worked closely with both of these organizations, and these representatives, over the past year. They have proven themselves both organizationally and personally to be reliable and valuable allies, and we in MCC have been pleased with our partnerships with them.

Now on to the projects.

Hurricane Katrina was law enforcement's first true large-scale involvement with the Emergency Management Assistance Compact (EMAC). Results were very mixed. While a number of law enforcement agencies successfully deployed both State and local officers to the stricken area, many others who wanted to help were very frustrated with the system. To be brutally honest, a lot of this frustration was the fault of involved law enforcement agencies that were either totally unaware of EMAC, or attempted to use the system in ways that it was never designed to support. The confusion and failed communications that resulted caused many law enforcement agencies that were ready, willing, and anxious to send officers to the devastated area to instead stay home. Many of the Katrina after-action analyses echoed the same theme—law enforcement, and EMAC itself—could do better in the future. As a direct result of this review process, EMAC took several necessary steps to improve. First was to establish a "user group" of key stakeholders, called the EMAC Advisory Group, to insure that EMAC would be more directly connected to its major customers in the future. One of the original members of this Advisory Group was MCC, and I have been honored to represent the Chiefs in this important forum since its establishment. The second was for EMAC to embark on a major education program aimed at insuring that key first responder organizations and personnel critical to future responses would be far better trained and aware of EMAC policy and procedures, so that future deployments could proceed on a quicker and smoother pace than during Katrina. As far as the education piece is concerned, I am happy to report that, at least for MCC and its members, the education program is proceeding well, and that the Chiefs won't encounter many of the difficulties and frustrations faced several years ago.

One of the key components of the EMAC system is a document that they call the "REQ-A". It is, in essence, a framework, or "boilerplate" contract document that requesting States, and States interested in providing mutual aid support, can use as a starting point to detail the precise needs of the requesting State, and the terms and conditions that a potential providing State require to be met prior to loaning out valuable resources to another governmental entity. The "REQ-A" is a necessary and valuable document, but because it was crafted to be very generic so that it could be molded into finished contracts covering a broad spectrum of needs, it leaves out a lot of detail that is necessary to manage complex deployments, and to make them work smoothly and to the satisfaction of all parties. Katrina after-actions showed time and time again that many State-to-State contracts were hurriedly negotiated, resulting in requesting States getting assets that were not what they thought they would receive, and deployed resources finding out after arrival that the mission they thought they were going to conduct was in fact very different than local on-scene circumstances required. Key components of credentialing, liability protections, use of force doctrine, transference of warrantless arrest powers, and many other critical issues simply hadn't been thoroughly addressed. The end result was substantial delays in getting deployed personnel out in the field doing good, many mismatches of resources and missions, and lots of instances where critical jurisdictional issues were insufficiently addressed, causing unnecessary risk exposure to both the receiving and to the providing States. Clearly, system improvements were necessary.

Early discussions within the new EMAC Advisory Group focused on thisissue, and MCC volunteered to start a project that would develop a "Law Enforcement Checklist" that would serve as a companion document to the "REQ-A", and a guide to those who were negotiating the "REQ-A" contracts for deployment of local law enforcement officers in the future. This checklist would detail all of the "hot button" issues that police chiefs and sheriffs—and the local political leadership that they either work with or answer to—would want addressed prior to sending their personnel across State lines to work in difficult and dangerous circumstances for other governmental entities, and within legal and jurisdictional systems that could be very different from their own. What started out as a seemingly simple task quickly became very complex, as the diversity of legal systems in the United States was recognized. Literally, no two states are the same, and many are very different. However, I am happy to report that all parties involved in this project—EMAC and Law Enforcement—recognized the potential value of the checklist, and approached the challenges from a perspective of "how can we work through this" as opposed to "it can't be done". The end result was that at the National Association of Emergency Managers (NEMA—the national program manager for the EMAC system) annual conference in Oklahoma City in early October the final touches were put on the checklist, which has now been adopted by EMAC, Major Cities Chiefs, and Major County Sheriffs. Efforts are currently ongoing to gain the endorsement of other national law enforcement organizations as well. EMAC has been so pleased with the results of this project that they plan on using the law enforcement checklist as a "best practice", and to urge other first responder disciplines to produce similar

checklists tailored to their own specific professional needs. What started as a small law enforcement project is now morphing into a project that will, over the course of the next year or so, produce a stronger EMAC system as a whole.

We view this as a wonderful example that all progress doesn't require a new Federal program, or a new Federal or State appropriation. Much can still be accomplished when people put aside organizational turf, solve commonly shared problems—and do it with existing resources. A copy of the completed Law Enforcement Checklist is attached to my testimony for your further review.

The second project that I would like to briefly discuss is just beginning. As we looked at mutual aid performance during Katrina, we realized that a piece of the necessary national response capability was missing. Medical services had the Disaster Medical Assistance Team (DMAT) program. Fire/Rescue had the Urban Search and Rescue (USAR) program to provide essential rescue services. During Katrina both needed—and requested—security for first responder personnel, critical equipment, and invaluable consumable supplies and stores of medications placed at risk in the tumultuous environment that existed for some time after landfall. Yet the law enforcement resources of the nation had no similar "DMAT" or "USAR"-like program that could quickly and efficiently move cadres at self-supporting sworn officers into the impacted areas to help restore civil order, and to protect others also providing life-saving services.

Out of these discussions emerged the concept of Law Enforcement Rapid Response Teams (LERRTs), loosely patterned after the two model programs mentioned earlier. The vision is to develop as many as ten of these LERRTs nationwide, possibly one (or more) in each of the ten FEMA regions, each capable of deploying up to five hundred specially trained law enforcement officers—fully self-supported—for a two-week period. These teams would be flexible and scalable—able to field modules of personnel up to the maximum in the unit, and to have a "menu" of specialty services also available. Each LERRT could then be assembled to meet the specific requirements of the requesting state, and that subsequent deployments could see relieving LERRTs structured differently as needs within the impacted area evolve. Each LERRT would be formed around a "center of gravity" agency—a major city police department or a major county sheriff's office. We feel that only these larger agencies have the depth of personnel to appropriately administer this program, insuring that all necessary training and logistical support is provided when the need to deploy emerges. While administered by a large agency, the LERRT itself would be comprised of law enforcement officers from many regional agencies. Depending on their size, some law enforcement organizations could provide a squad of five officers and a supervisor, while larger ones could provide larger contingents. Assembled together, and receiving specialized training, these components could perform effectively as a cohesive unit. By assembling the LERRT from many contributors, we also insure that no one community's force is depleted to the point where local services degrade.

In many ways the LERRT Program would resemble the DMAT and USAR models—local personnel "married" to equipment and training funds provided by the federal government. As with these models, the truly expensive part—specially trained and experienced personnel—would be provided by literally hundreds of communities nationwide. The cost to train and equip would be only a small percentage of overall costs. Major Cities Chiefs and Major County Sheriffs have already undertaken a comprehensive development program to further refine this promising concept. The project is being developed through the efforts of two committees—one headed by Sheriff Lee Baca from Los Angeles County, and one headed by Director Bobby Parker from Metro-Dade Police Department in Miami, Florida.

While similar in many ways to DMAT and USAR, there will be significant differences as well. Unlike DMAT and USAR which become "Federal" resources when activated, LERRT would remain a State or local entity in order to preserve their non-federal "peace officer" status as they move across state lines, as their primary function will be to enforce local and state laws in the impacted areas. We envision EMAC as the perfect vehicle for this interstate movement of law enforcement units—and EMAC agrees.

Congress has already shown an interest in this concept. Language contained in the recently enacted H.R.1, The 9/11 Commission Act of 2007, directs the Secretary of the Department of Homeland Security to establish in the DHS Policy Directorate an Office for State and Local Law Enforcement, which will be headed by an Assistant Secretary for State and Local Law Enforcement. The language of the Act continues by stating that the new Office shall "conduct, jointly with the Administrator, a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters and

report on the results of that study to the appropriate committees of Congress." MCC and MCS hope to assist the new Assistant Secretary with our preliminary work as soon at that individual assumes this important position.

In closing, MCC feels that these two initiatives will serve the American people well, and that our relationships with DHS, FEMA, and EMAC are open, friendly, and productive. As with all friendships though—we don't always agree on everything. Two quick examples:

- Mutual Aid agreements and systems are generally reactive in nature. Something bad has to happen before they are triggered. As law enforcement in general becomes more and more involved with mutual aid on a national scale, our natural tendencies to want to PREVENT—before we have to RESPOND—take over. A thoughtful look at mutual aid systems with the goal of making them friendlier to preventative deployments would be well received by the law enforcement community, and good for our country.
- MCC has favorably reviewed the new draft National Response Framework. We think it is a considerable improvement over the "Generation One" document that it will replace. It is cleaner, more focused, and more clearly shows local and tribal officials that don't work within the terribly complex tiered national system on a daily basis what their responsibilities are, and how they fit into the bigger picture. The format of a base document, many more detailed annexes, and a web-based resource center permits users to seek as much detail as they need to do their jobs. We realize that this position puts us slightly at odds with our emergency management colleagues, but we all have different needs and differing perspectives on these complex issues and documents. That being said, we do have some difficulties with the draft NRF. In spite of considerable improvement, it is still too "top-down" and too "Federal centric" in its approach. And—as important as we all agree that mutual aid is to our overall national readiness and response postures—the NRF doesn't have a single annex dealing with mutual aid.

On behalf of Chief Darrel Stephens of the Charlotte-Mecklenberg Police Department, President of Major Cities Chiefs, I want to thank you for allowing MCC to submit its comments on the important work that you do. We look forward to working with the Subcommittee on strategies to address the issues that we have raised here today.

Attachment: EMAC Law Enforcement Checklist

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

(Final Approved Version 10/10/2007)

Law Enforcement Resource Request Checklist

When an EMAC request is made for law enforcement resources, this checklist can be used by Requesting States, Assisting States or EMAC A-Teams in creating a precise mission request. Use of this checklist is not required but it does provide a comprehensive (but not all-inclusive) list of items relative to the deployment of law enforcement resources. These items can also be included in a REQ-A for the deployment of law enforcement resources.

1. EMAC allows officers to carry weapons in the performance of their law enforcement duties within the requesting jurisdiction or State. **Note:** the Law Enforcement Safety Act of 2004 allows police officers to carry weapons throughout the United States except in certain federal facilities or where prohibited by certain State laws. Any restrictions on carrying weapons in the Requesting State should be discussed prior to finalizing a REQ-A or prior to placing officers of the Assisting State into duty.
2. Officers may bring and use their regular equipment, including service weapons, Tasers, baton, pepper spray and other less-than-lethal weapons, while deployed to the Requesting State or jurisdiction unless the Requesting State or jurisdiction specifically prohibits use of a particular piece of equipment or weapon. Any restrictions on the use of equipment, weapons or less-than-lethal weapons in the Requesting State or jurisdiction should be discussed prior to finalizing a REQ-A or prior to placing officers of the Assisting State into duty.
3. Officers may bring and use their radios for use while deployed to the Requesting State or jurisdiction, provided any electronic equipment will not interfere with equipment being operated by the Requesting State or jurisdiction.
4. Responding officers will wear the official uniform components and badging prescribed by their department to ensure proper identification as a law enforcement officer.

5. EMAC Article IV provides that responding officers will have the authority to detain or arrest without a warrant for all Requesting State criminal offenses occurring within their presence or view and in order to maintain and establish public peace, health or safety in the Requesting State or jurisdiction.

6. EMAC Article IV provides that responding officers will have "the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services." The REQ-A should include a recitation of this provision. Wherever legally permissible, Requesting States and jurisdictions should have procedures in place to have responding officers sworn in by the Requesting State or jurisdiction upon arrival, granting them the same authority, rights and immunities applicable to officers of the Requesting State or jurisdiction whether established under local, state or federal law

7. Requesting States and jurisdictions should develop, prior to a disaster, a concise summary of the state's or jurisdiction's use of force procedures that can be provided to responding officers prior to placing them into duty. Assisting State or jurisdiction officers will have authority to use force, including deadly force where necessary and appropriate under the circumstances in the exercise of their law enforcement authority and duties. No officer has the duty nor is required to retreat prior to the use of deadly force. The authority to use deadly force will be limited to situations where the officers are protecting themselves or a third person from serious bodily harm or death.

8. Responding State and jurisdiction officers shall be trained to the minimum standards required by their Assisting States for full-time career law enforcement officers, such as Police Officers Standards and Training (POST) or equivalent certification.

9. Officers will have full and regular standing as police officers with their departments and not be in a probationary, reserve, temporary or other lesser status with their departments. Since terminology varies from State to State, at a minimum, all responding officers will have graduated from an accredited police academy meeting the Assisting State's training standards for full-time career law enforcement officers and will have served a minimum of two years, post-academy, as a full-time law enforcement officer. If responding officers do not meet these level of training or experience, it should be discussed and noted in the REQ-A.

10.Requesting States and jurisdictions should develop, prior to a disaster, a procedure that can be provided to responding officers prior to placing them into duty regarding the safe and efficient transportation of individuals arrested to facilities designated by the Requesting State or jurisdiction. The Requesting State or jurisdiction will provide adequate detention facilities for this purpose.

11.Responding officers will use basic forms of the Requesting State or jurisdiction. Prior to deployment or prior to placement into duty, officers of the Requesting State or jurisdiction will acquaint responding officers with the appropriate basic forms. Completed basic forms will be maintained by the Requesting State or jurisdiction and preserved pursuant to that state's or jurisdiction's regular procedures.

12.Responding officers will collect and preserve evidence in the manner prescribed by the officers of the Requesting State or jurisdiction.

13.Both Requesting States and jurisdictions and Assisting States and jurisdictions should be aware that there may be additional costs after deployment related to the prosecution and trial of individuals arrested during the deployment. Assisting State or jurisdiction officers may be required to testify and Requesting States and jurisdictions should be prepared to discuss related issues at that time.

For purposes of EMAC missions, all jurisdictions should be aware of the following Articles.

• Pursuant to Article IX, any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided that any aiding party state may assume in whole or in part such loss, damage, expenses, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

• Pursuant to Article IV, emergency forces will continue under the command and control of their regular leaders, but organizational units will come under the operational control of the emergency services authorities of the state receiving assistance.

• Pursuant to Article VIII, each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

Mr. DENT. Thank you, Mr. Chairman.

Again, I would like to thank the witnesses for being here today and for their commitment to strengthening the coordination of response efforts nationwide.

At this time I would like to yield back to you, Mr. Chairman.

Mr. CUELLAR. Thank you, Mr. Dent.

Mr. CUELLAR. Other members of the subcommittee are reminded under committee rules opening statements may be submitted for the record.

Mr. CUELLAR. In addition, without objection, I would also like to submit a statement from Sheriff Lee Baca of Los Angeles County regarding the issues we are discussing here today. Without objection, so ordered.

[The information follows:]

FOR THE RECORD

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

November 15, 2007

The Honorable Henry Cuellar
Chairman, Subcommittee on Emergency Communications,
Preparedness and Response
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Chairman Cuellar:

We are submitting this written testimony for inclusion in the official record for the hearing on "Leveraging Mutual Aid for Effective Emergency Response," being held on November 15, 2007, by the Subcommittee on Emergency Communications, Preparedness, and Response.

As the Sheriff of Los Angeles County, I serve as the coordinator for mutual aid for the largest and most complex metropolitan area in the United States. The devastating wildfires that recently swept through Southern California put our policies and procedures to the test. I am pleased to report to the Committee that our mutual aid plans were executed without incident. California has faced these challenges before, and our experience has matured over decades of implementing an effective mutual aid program.

At a recent annual meeting of the Major Cities Chiefs Association in New Orleans, my colleagues and I adopted a national plan for Law Enforcement Deployment Teams (LEDTs), now under review at the Department of Homeland Security (DHS). It is my pleasure to lead this committee focused on developing a national law enforcement mutual aid plan.

On behalf of the Chiefs and Sheriffs who are committed to this national effort, I offer our full support for the work of the Committee and commend you for addressing this urgent need. Please know that law enforcement agencies across the Nation are grateful for your leadership and thank you for calling attention to this critical priority.

A Tradition of Service

11087.001.eps

Chairman Henry Cuellar -2- November 15, 2007

We will be meeting with your committee staff in the next couple weeks to follow up on this hearing and further discuss this issue. In the meantime, if you have any questions, or need any additional information, I can be contacted at (323) 526-5000 or at ldbaca@lasd.org.

Sincerely,

LEROY D. BACA
SHERIFF

PREPARED STATEMENT OF LEROY D. BACA, SHERIFF

Introduction

The Los Angeles County Sheriffs Department provides law enforcement and emergency services for the largest metropolitan area in the United States. As Sheriff, I serve as the coordinator for the subject of your hearing, "Leveraging Mutual Aid for Effective Emergency Response".

The devastating wildfires that recently swept through Southern California put to the test our policies and procedures for mutual aid. I am pleased to report to the Committee that our mutual aid plans were executed without incident. Hundreds of police officers were deployed multiple agencies to evacuate and protect neighborhoods and support fire operations. But California has faced these challenges before, our experience has matured over decades of implementing an effective mutual aid plan.

Background—Mutual Aid in California and Los Angeles

The Los Angeles County Operational Area spans more than 4,000 square miles and is home to over 10 million residents. It is comprised of 88 contiguous cities, and with its airports, seaports, commercial, tourism, entertainment industries, and transportation system, it is the most complex urban region in the Nation. In addition, the Los Angeles County Sheriffs Department provides law enforcement services to 40 cities and unincorporated areas, and the County Fire Department protects 58 cities and county areas. There are also 45 municipal police departments, 30 fire departments and three public health organizations within the Operational Area.

According to California state law, the County Government provides emergency management and mutual aid coordination for all disciplines, and is the gateway for state and federal resources for all entities within the Operational Area.

Mutual aid response within California is based on defined governmental levels that delineate cities (or other similar local jurisdictions), operational areas (counties), mutual aid regions, and the state. To facilitate coordination of mutual aid, the state is geographically divided into mutual aid regions. Each region is comprised of multiple operational areas. The operational area is a composite of its political subdivisions, i.e., municipalities, special districts, and county agencies. All requests for mutual aid and additional resources must progress local-to-county-to-state and region [1]-to-state and then federal. The California State Governor's Office of Emergency Services (OES) coordinates these requests. In a Los Angeles emergency, or one in which multiple jurisdictions are affected, the county sheriff functions as the director of emergency operations for the entire operational area.

The State of California has a structured organization for disaster management and response known as the Standardized Emergency Management System (SEMS), it was the foundation for the development of the National Incident Management Systems (NIMS). It is described as follows:

[1] OES Region I is comprised of Los Angeles and Orange Counties.

11087.002.eps

> ... The Standardized Emergency Management System is required by Government Code § 8607 (a) for managing response to multi-agency and multi-jurisdiction emergencies in California. SEMS consists organizational levels which are activated as necessary: field response, local government, operational area, region, and State. SEMS incorporates the use of the Incident Command System (ICS) the Master Mutual Aid Agreement, existing discipline mutual aid, the operational area concept, and multi-agency or inter-agency coordination. SEMS helps all elements of California's emergency management organization into a single integrated system. Its use is required for State response agencies. Local government agencies must use SEMS to be eligible for State funding of certain response related personnel costs resulting from a disaster.

Based upon proven programs, our blueprint for has been tested by earthquakes, fires and hurricanes. The recent firestorms in Southern California demonstrated that disasters are not limited by geographic boundaries and that mutual aid must be coordinated regionally. Although the actual fires were contained within a few jurisdictions, virtually all of the municipalities in the Los Angeles Operational Area were affected by these massive fires, and all successfully participated in the response. Within Angeles County, the recent caused minimum property damage and no lives were lost. This is a testament to the cooperation fostered by mutual aid agreements in the region.

However, a catastrophic event on the scale of Katrina may overwhelm the capabilities and resources of large and small jurisdictions alike. During such a crisis, a comprehensive national law enforcement mutual aid system is required to restore order and ensure public safety.

Lessons Learned: Hurricane Katrina

Law enforcement agencies in the path of Katrina were completely overwhelmed. In Mississippi and Louisiana, the storm caused massive damage to police and sheriffs' cars and stations, emergency response vehicles, and emergency operations centers. Police departments in the storm's path lost their dispatch and communication functions, administrative capabilities, and jails to confine arrested suspects. Additional burdens were then imposed on law enforcement, such as search and rescue, which took priority over normal police duties.

It was an extraordinary and unprecedented breakdown in emergency management. Federal law enforcement personnel and the National Guard arrived, and state and local law teams from around the country began to self-dispatch. Although these actions clearly were meant to help, the lack of a coordinated response often caused further chaos and and had the potential to emergency workers into storm victims as well.

For disaster recovery and medical assistance, communities may receive emergency assistance from programs supported by the Federal government. Urban Search Rescue has, since 1989, been dispatching elite search-and-rescue teams to conduct operations in everything from collapsed buildings to catastrophic earthquakes. Disaster Medical Assistance Teams provide emergency medical services. These groups of professional and para-professional personnel provide life-saving assistance during a disaster. In the wake of Katrina, the question has been asked: Why doesn't law enforcement have rapid response teams like and DMAT to provide near-immediate support during a catastrophic event, regardless of the cause?

This question becomes even more critical when one examines what set Hurricane Katrina apart from events like the terrorist attacks of September 11 or the bombing of the Federal building in Oklahoma City. In New York, Washington D.C., Pennsylvania, Oklahoma, the public emergency management infrastructure remained intact. Incoming support teams took their missions from on-site incident management personnel, whose knowledge of the area, the incident, and what was required to address it came from their experience on the ground. There was a structure and a system still in place to assess damage and direct the efforts of incoming support teams.

What made Katrina different was that the public safety and emergency management systems were destroyed. This devastating destruction underscores the need for large and independent completely self sufficient and able to provide a broad range of public safety functions. Responding to a domestic disaster in an all-hazards approach is a key focus of local, State and Federal organizations. Hurricane Katrina highlighted the fact that a significant or catastrophic incident can quickly overwhelm the ability of local jurisdictions to carry out basic public safety functions. In extreme cases, entire regions can be left without any law enforcement services.

Law Enforcement Deployment Teams

In the wake of law enforcement leaders determined that a national plan was required to ensure that this breakdown would never happen again. The Major Cities Chiefs Association represents the 56 largest Police and Sheriffs Departments in the

Nation. At our recent annual meeting in New Orleans, my colleagues and I adopted a national plan for Law Enforcement Deployment Teams now under review at the Department of Homeland Security (DHS). It is my pleasure to lead this committee focused on developing a national law enforcement mutual aid plan.

The processes and protocols for dispatching LEDTs may be modeled after the Emergency Management Assistance Compact (EMAC). These state-to-state compacts, which exist under the non-profit National Emergency Management Association (NEMA), cover liability, the honoring of law enforcement credentials fi-om state to state, and reimbursement. However, there is a need to streamline existing EMAC procedures to enable the rapid deployment of LEDTs.

Following the interaction between the nation's largest law enforcement agencies and our federal partners, including the DHS, Bureau of Alcohol Tobacco, and Explosives, and the Federal Bureau of Investigation, the Los Angeles County Sheriffs Department has taken the lead in developing a regional team as a pilot for this project. The of the Los Angeles LEDT may vary slightly other LEDTs based on local needs and capabilities. Departments around the country are being surveyed to identify specialized capabilities that can contribute to the national LEDT program. The Los Angeles LEDT will include each of the modular components identified in Figure 1.

In addition to the core capabilities, which include general patrol and custody teams, the Los Angeles Regional LEDT will also include an incident command module capable of providing local incident commander with the support necessary to manage an event. Interoperable communications along with radio technicians will also be available, enabling the ability of multiple agencies to seamlessly communicate with each other. Logistics support will manage the deployment of resource and also keep track of personnel and equipment for future reimbursement.

A significant component of the Angeles pilot will include seeking out partnerships with national chain stores and transportation companies to facilitate the rapid movement of personnel and resources. Leveraging these relationships will greatly increase the ability of LEDTs to deploy quickly and effectively.

Conclusion

The Los Angeles County Sheriffs Department will continue to develop our LEDT pilot and support the development of supporting policies and procedures. It is through the continued coordination and cooperation with all of our local, state and Federal partners that a comprehensive LEDT program can be fully developed to supplement regional and national law enforcement mutual aid capabilities.

On behalf of the Chiefs and Sheriffs who are committed to this national effort, I offer our full support for the work of the Committee and commend you for addressing this urgent need. Please know that law enforcement agencies across the Nation are grateful for your leadership and thank you for calling attention to this critical priority.

Mr. CUELLAR. At this time we will go ahead and recess as we go vote. And you all make yourselves at home while we get back. Thank you.

[Recess.]

Mr. CUELLAR. All right. You are telling it to me and the record, so keep the record in mind.

Again, I apologize, because, as you know, we are actually the last minute of voting, and Members are heading off to other committee hearings also.

Mr. Dent, we will go ahead and get started. He said he was going to be a few minutes late, so with respect to him, we will go ahead and get started at this time.

Again, I want to welcome the panel of witnesses that we have here. Our first witness is Marko Bourne, who is the Director of Policy and Program Analysis at the Federal Emergency Management Agency with the U.S. Department of Homeland Security. He has more than 20 years of experience both in the emergency services and the policy arenas. Welcome.

Our second witness is Mr. Kenneth Murphy. He is the president of the National Emergency Management Association and director of the Oregon Office of Emergency Management. Mr. Murphy has

been with the Oregon office for 8 years and during his tenure has served as administrator of operations manager, and deputy director. He has been the director since 2003.

Our third witness is Chief Steve Westermann, who is the president of the International Association of Fire Chiefs. Chief Westermann has been in the fire service since 1972 and has served as chief of the Department of Central Jackson County Fire Protection District, Missouri, since 1988. And again, welcome.

Our fourth witness is Mr. Michael Ronczkowski, who oversees the Homeland Security Bureau of the Miami/Dade Police Department. He began his law enforcement career in 1983 and throughout his career has been serving in various leadership capacity within the local, county and Federal law enforcement. Welcome.

Our fifth witness is Mr. Jim McPartlon, who serves as the president of the American Ambulance Association. He is also the vice president of the Mohawk Ambulance Service, which is the largest publicly owned ambulance service in upstate New York.

And we want to go ahead and we make sure that we welcome all of you, and we are all pleased to have you here today. Without objection, the witnesses' full statements will be inserted in the record.

I now will ask each witness to summarize his statement for 5 minutes, beginning with Mr. Bourne.

STATEMENT OF MARKO BOURNE, DIRECTOR OF POLICY AND PROGRAM ANALYSIS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

Mr. BOURNE. Thank you, Mr. Chairman Cuellar, Ranking Member Dent, members of the subcommittee. I am Marko Bourne. I serve as the Policy Director of Program Analysis for FEMA. I appreciate the opportunity to be here today to talk about some very important issues that affect our first responders and our emergency services across the Nation, especially with the status of mutual aid and credentialing. The committee has my formal statement, so I will do my best to summarize as succinctly as I can here.

FEMA is addressing and has been addressing for quite some time with our State and local partners many aspects of mutual aid. We have continued to support and recently renewed our memorandum of understanding and agreement with the Emergency Management Assistance Compact and NEMA for the support of State-to-State mutual aid. We have also had available for several years now, since 2003, model intrastate mutual aid language that we have made available to State and locals to address the intrastate mutual aid needs. Some States have passed interstate agreements; some have not. And certainly that legislative language has been there for their use and modifying as necessary. And we have been actively working through our training and exercises, our programs, our fostering development of local and regional mutual aid practices.

Most of the mutual aid that exists in this country happens every single day at a local level, and having spent 23 years as both a firefighter and EMT and a police officer, mutual aid is the bread and butter of our everyday activity, especially in the fire service, where

events rapidly can become larger than our department's capacity and we need to call on help.

We have also been working to create with the International Association of Fire Chiefs, working through EMAC as well, a National Fire Service Mutual Aid System that can be utilized in the future, and we have been providing grant dollars support to that for the development of those systems.

Today I would also like to specifically outline, however, how we are working on one major aspect of mutual aid through the development of common credentialing standards, the framework for our credentialing and typing programs and how we intend to move forward. However, I do want to state for the record, because I know that there is always potential for misperception and confusion, that FEMA and the Department of Homeland Security in no way wishes to encroach upon the responsibilities of State and locals to credential their personnel. That is their primary responsibility. What we would rather do is assist them in those efforts. We are not going to be the ones issuing the credentials to these folks. Their local police chiefs, their local mayors, their local law enforcement and fire and EMS personnel are credentialed through the organizations that they work for. What we would like to do, and certainly the Congress has given us the authority to do, is to try to begin to build a standard so that there is some commonality in the way that we as a Nation approach credentialing that can support those efforts.

The need for a standard process to enable first responders to move rapidly to different jurisdictions and to validate the identity and professional qualifications of responders who arrive on the scene is a long-standing issue. Credentialing and typing standards arise from this need, and to ensure that the incident commander and those in other response leadership roles know who is present at an incident and what their qualifications are.

Since the creation of the National Incident Management System in 2003, programs have been developed to address this need. Congress, of course, has also recognized that need by passing the 9/11 implementation bill which allowed FEMA the authorization language to develop this standard and to continue our resource typing and mutual aid efforts.

Title IV of the 9/11 Act directs the FEMA Administrator to set standards for credentialing and typing Federal personnel who are likely to respond to a natural disaster or an act of terrorism, and that is an enormous responsibility which requires us to ensure that whatever approach we take encompasses all of the attributes that are necessary to balance the interests of the Federal agencies involved, due processes and consensus that are the hallmarks of a credible standards development process.

Now we are in the process now of developing a common standard, utilizing existing programs that have already been in place, and leveraging efforts that have been underway not only within the Federal family, but within the first responder community through the implementation of the National Incident Management System. We are also working through these efforts, and including in the National Response Framework, the National Infrastructure Protection Plan, our work with NEMA, NFPA, other emergency manage-

ment and first responder accrediting programs, the development of this standards process. These organizations represent the key stakeholders, and before we move any further down the standards development road, we need to bring them together to determine exactly what are the major elements that that standard needs to have, and we will be doing so over the next several months.

The standards and programs of all of these plans and systems and organizations have been vetted and endorsed by a wide range of disciplines, and they do provide a solid foundation for our effort.

Now, specifically within our credentialing and typing programs, we have made progress on technology of credentialing. There has been a tremendous effort that has taken place to include our resource typing effort where we have more than 125 to 175 resources typed, and those standards efforts and resource typing efforts are being handled by the Incident Management Systems Division at FEMA.

We have also expanded, through the auspices of our National Capital Region office, a pilot in the National Capital Region working with all of the affected communities that are part of the NCR on coming up with a pilot program for a national credentialing system for NCR first responders, and that effort is in its early stages and hopes to be fielded in pilot tests in some exercises in the beginning of 2008 after the first of the year.

The NCR, of course, faces a lot of challenges, multiple jurisdictions, multiple authorities, all requiring clarification. In 2004, both DHS, Department of Defense and the NCR sought to overcome the challenge by essentially leveraging a standard that exists now for Federal IDs, FIPS 201, and the corresponding off-the-shelf, commercially available equipment in order to support that effort. NCRC is working as the nexus for that effort in the Capital region, also reaching out to private-sector and nonprofit partners. This test and national pilot in the NCR will allow us to test some basic assumptions about credentialing and resource typing in an actual responder environment, and allow us to better inform the standards development process as we move through 2008.

Now, as noted, it is the intent of FEMA and DHS not to issue identification cards, but that responsibility lying with the State and local governments, but the FIPS 201 standard describes what a credential should be in order to provide identity validation. And we are working on the subsequent component of this, the aspect that says, this is who I am in the professional community, and these are my skills, and then how that information is securely shared and verified at whatever level of government or at the scene of the event that it needs to take place.

In strengthening mutual aid, standardized personnel identification skills verification directly enhances the capability for multijurisdictional resource sharing and mutual aid. This credentialing and typing standard will allow the execution of mutual aid agreements, more effective streamlining of operations and a reliable method for verifying individuals.

Our program plan is established and is being put into place now, and I would be happy to share that with the committee, which allows for a common nonproprietary approach using as much off-the-shelf capability as possible to assure identity assurance standards,

credentialing and typing standards for personnel, their skill sets, their qualifications, and the common process that integrates that information. This standard will be used, of course, on a limited basis in the NCR and a national level exercise in February and then again in April.

What we are looking at doing also is building essentially a system of systems. Certainly the local and State communities have the vast ownership over the information that they take in with regards to their first responders. FEMA is not in a good position, nor would we advocate, that we maintain a national database of these individuals. However, most jurisdictions have their own way of tracking their personnel, their qualifications, their training, their education. What we need to do is provide a standard so that when that information is shared, it is done so between those organizations without a cumbersome process to update a much larger database effort.

The other part of the standard I think also needs to look at mobile credentialing processes that can be used in large-scale events to facilitate mutual aid and the provision of credentials in the field. Certainly when we get into large-scale events, that becomes an issue.

In conclusion, FEMA is making great strides in this effort. We are working with our partners and look to work even more closely with them as we develop the standard over the next several months. A program plan we have outlined puts us in a position to meet the objectives of the 9/11 Act and to further promote mutual aid and multijurisdictional interoperability for credentialing. This standard, using this common nonproprietary approach, will have the further benefit of addressing issues of self-dispatching personnel and scene control down the road.

Mr. Chairman, this concludes my statement. I would like to thank the committee for their interest in this issue and the opportunity to testify, and when the time comes, I would be happy to answer any questions you may have.

Mr. CUELLAR. Thank you for your testimony.

[The statement of Mr. Bourne follows:]

PREPARED STATEMENT OF MARKO BOURNE

Chairman Cuellar, Ranking Member Dent, and Members of the Subcommittee, I am Marko Bourne and I serve as Director of Policy and Program Analysis at the Department of Homeland Security's Federal Emergency Management Agency (FEMA). I appreciate the opportunity to appear today before the Committee to discuss the status of mutual aid, credentialing and typing of the Nation's first responders.

In my testimony today, I will outline how we are working to develop a common credentialing standard, the framework of our credentialing and typing programs, how this relates to strengthening mutual aid, and how we intend to move forward in addressing this important issue in our response community. I would also like to make sure that I state for the record that credentialing first responders is the right of the local community and that FEMA and the Department in no way wishes this effort to encroach upon that right, but instead assist them in their efforts both now and into the future to develop nationwide credentialing standards. FEMA will not be issuing credentials to state and local personnel; that will remain a state and local responsibility as it always has been.

Background

The need for a standard process to enable first responders to move rapidly to different jurisdictions, and to validate the identity and professional qualifications of responders who arrive on the scene of an emergency or disaster, is a long standing

issue. Creating a credentialing and typing standard arises from this need to ensure that the Incident Commander and those in other response leadership roles know who is present at an incident site, and their qualifications. Lessons learned from past disasters have indicated that it is often difficult for local officials to know who is qualified to do what, and who may be an immediate asset to the situation among the multitude of volunteers or entities that arrive. Additionally, examples of people posing as firefighters, police officers, doctors or rescue specialists are well documented in every major disaster, and further underscore the need for further measures to provide the Incident Commander with greater assurance that those who respond, whether asked or not, can be verified, validated and utilized.

Since the creation of the National Incident Management System (NIMS) in 2003 and the development of the NIMS Integration Center, now the Incident Management Systems Division (IMSD), there have been programs developed to address this need, using a multi-jurisdictional, shared approach to develop a common standard available to all response partners. Congress has also recognized this necessity by passing legislation to provide authorization for FEMA to develop this standard and to continue our resource typing and mutual aid efforts. We are looking to best practices by leveraging existing methodologies, such as the Federal Information Processing Standard (FIPS) 201, which is approved by the National Institute of Standards and Technology. This non-proprietary standard, issued in response to Homeland Security Presidential Directive 12, establishes a common process and technology for sharing secure personnel identification and achieving interoperability across multiple jurisdictions.

Developing a Standard

Title IV of the "Implementing Recommendations of the 9/11 Commission Act of 2007" (9/11 Act) directs the Administrator of FEMA to set standards for credentialing and typing Federal personnel who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster. This is an enormous task and responsibility and FEMA will be working with the Test and Evaluation and Standards Division of the Science and Technology Directorate to ensure the approach will encompass the attributes of openness, balance of interest, due process, and consensus that are the hallmarks of a credible standards development process.

As such, FEMA is in the process of developing a common standard utilizing existing programs, standards and accredited sources including the National Incident Management System, National Response Framework, National Infrastructure Protection Plan, National Emergency Management Association, National Fire Protection Association, Emergency Management Accreditation Program, and American National Standards Institute. The representative organizations are key partners and well-respected members of the emergency management community. The standards and programs of these plans, systems and organizations have been vetted and endorsed by a wide range of disciplines, and provide a solid foundation for this effort.

Credentialing and Typing Program

Significant progress on the technology of credentialing has already been made. FEMA's efforts beyond the resource typing and standards efforts of the IMSD programs have been expanded through the auspices of our National Capital Region Coordination (NCRC) office just recently transferred to FEMA. The National Capital Region faces challenges based on multiple jurisdictions and authorities that require clarification; one of those is the need for rapid coordination between Federal, State, and local responders across jurisdictions while validating the identity and professional qualifications of those responders. Although the individual jurisdictions maintain and retain ownership of their credentialing and typing information, that information nevertheless needs to be shared among jurisdictions through a common technology standard. In 2004, DHS, DoD, and the National Capital Region (NCR) jurisdictions sought to overcome this challenge by leveraging FIPS 201 and corresponding off-the-shelf commercially available equipment. NCRC is the nexus for this coordination effort in its day-to-day interaction with Federal, State, local, private sector, and non-profit partners in the NCR. NCRC is working closely with these partners to test the concepts, methodology, and process while gaining invaluable feedback directly from its constituents in order to enhance the program for potential use by a larger audience. By leveraging and assessing these efforts, the NCR becomes a national pilot, allowing us to test some basic assumptions about credentialing and resource typing in a responder environment. The results of these efforts will be known later this year and will assist us in the validation of a standard that can be adopted nationally.

The credentialing and typing process requires an objective, standardized evaluation and documentation of an individual's qualifications, called attributes, and ability to meet nationally-accepted minimum standards to provide particular services or

functions during an incident. The standard can help to ensure that personnel with the right attributes are deployed to the right place at the right time, thus reducing response and recovery times.

With respect to credentialing, again the intent of FEMA and the Department of Homeland Security is not to issue identification cards to all State and local first responders or others. That responsibility lies with State and local governments or the jurisdiction having appropriate authority. The aforementioned FIPS 201 standard describes what the credential should be to represent identity validation. We are working on the subsequent component—the aspect that says here is who I am in the professional community and these are my skills—and how that information is securely shared and verified on scene.

We are utilizing the Emergency Support Function construct of the National Response Framework, as well as the National Infrastructure Protection Plan sectors, to identify those professional attributes (e.g., paramedic, emergency room physician, hazardous materials technician) that have a professional authority standing behind these designations for its personnel. In other words, we are leveraging existing certification processes to "substantiate" the qualifications of personnel. This will provide the cornerstone and structure to allow our State and local partners to engage in this process, in coordination with existing jurisdictional priorities and funding streams.

Deployment of the credentialing and typing process requires the development of common data models and role-based access management framework for protecting the integrity and security of the underlying data. We have also initiated efforts with the Test and Evaluation and Standards Division of the Science and Technology Directorate and the National Institute of standards and Technology to develop these data models and associated access management framework.

Strengthening Mutual Aid

A process that standardizes personnel identification and skill set verification directly enhances the capability for multi-jurisdictional resource sharing and mutual aid. This credentialing and typing effort supports FEMA's integrated National Mutual Aid and Resource Management System to enhance the functionality of interstate and intrastate mutual aid. All incidents require the use of the Incident Command System (ICS) which is the backbone of the National Incident Management System. ICS provides a flexible core mechanism for coordinated and collaborative incident management and integrates facilities, equipment, personnel, and communications operating within a common organizational structure. A credentialing/typing standard will help make execution of mutual aid agreements more streamlined by offering a quick, effective, and reliable method for verifying individuals and their respective qualifications.

Program Plan

FEMA is establishing a program plan to implement a common, non-proprietary approach, including:

- An identity assurance standard;
- Credentialing/typing standards for personnel skill sets/qualifications; and
- A common process/technology standard that integrates both.

The resulting aggregated standard will be used on a limited basis during the NCR portion of the National Level Exercise (NLE) 2–08 taking place in April 2008. The intent is to test the standard using a federated model where information is controlled and maintained by the respective entities, not by FEMA. This is a "system of systems in a sense, as FEMA will not own the information; participating jurisdictions retain ownership of their information. This concept, if validated, could be made available in other parts of the country, and potentially will allow for real-time and post-event electronic validation of on-scene personnel. The standard also could enable a mobile credentialing process at the incident scene to ensure multi-jurisdictional mutual aid capability.

Important milestones have been established to address Title IV of the 9/11 Act, among others. These include development of credentialing and typing guidelines and objectives, with written guidance to Federal agencies that have responsibilities under the National Response Framework, and participation in an exercise by Federal agencies within the NCR to determine the effectiveness of the guidelines and objectives. In addition, FEMA intends to provide ongoing expertise and technical assistance to aid emergency management stakeholders with credentialing and resource typing, and completion of credentialing and typing standards for our Federal, State, local, tribal, private sector, and non-profit partners.

Conclusion

In summary, FEMA is making great strides in developing a credentialing and typing standard for use by responders across jurisdictions. The program plan we have outlined puts FEMA in a position to meet the objectives and milestones of Title IV of the 9/11 Act, and promotes mutual aid and standardized multi-jurisdictional interoperability. Timely and effective emergency response to a disaster rests on the proper establishment and verification of personnel identity, skills, and abilities. The implementation of a credentialing and typing system using common, non-proprietary standards will support and facilitate intrastate and interstate initiatives, and have the further benefit of addressing issues of self-dispatching personnel and scene control.

Mr. Chairman, this concludes my statement. I would like to thank the Committee for the opportunity to testify and am prepared to answer any questions you may have.

Mr. CUELLAR. At this time I would like to recognize Mr. Murphy to summarize his statement for 5 minutes.

STATEMENT OF KENNETH MURPHY, PRESIDENT, NATIONAL EMERGENCY MANAGEMENT ASSOCIATION, DIRECTOR OF THE OREGON OFFICE OF EMERGENCY MANAGEMENT

Mr. MURPHY. Thank you, Chairman Cuellar, Ranking Member Dent and distinguished members of the committee. In my statement I am representing the National Emergency Management Association, whose members are the State directors of emergency management in the States, territories and the District of Columbia.

Through the Emergency Management Assistance Compact, EMAC, NEMA's members are the leaders in State-to-State mutual aid facilitation and continuously working to improve the system based on lessons learned from previous disasters. During Hurricanes Katrina and Rita, EMAC fulfilled over 2,174 missions with 49 States, the District of Columbia the U.S. Virgin Islands and Puerto Rico, providing assistance in the form of 65,919 civilian and military personnel and equipment assets to support the impacted States. The estimated cost of this assistance exceeded $829 million.

Today all 50 States, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and most recently Guam are parties to the EMAC agreement.

Also, most recently assets and personnel were used to fight the California wildfires through the EMAC system, and in 2007, EMAC was the vehicle used to provide assistance for the Colorado, Nebraska and Virginia winter storms, the Kansas tornadoes and floods, and Hurricane Dean in Texas.

There are several key areas I wish to discuss with you today on EMAC: EMAC as a tool for mutual aid before, during and after disaster to support response and recovery; EMAC's work plan for improving and building on lessons learned from the largest mobilization in the program's history; enhancing EMAC with strong congressional support and administrative coordination.

EMAC response to Hurricane Katrina resulted in the largest deployment of interstate mutual aid in the Nation's history. EMAC deployed personnel and equipment comprised of multiple disciplines from all member States to respond to Louisiana, Mississippi, Alabama, Florida and Texas. The process enabled the National Guard, search and rescue teams, incident management teams, emergency operation center support, building inspectors, law enforcement personnel, health and medical and other disciplines to immediately assist the requesting States. The National

Guard even chose to continue their response through EMAC when deployed under title 32 because of the organization, liability protections, accountability and tracking abilities that EMAC provides.

The key to EMAC is the system provides assistance to those in need, but allows others to assist and learn from the disasters in other States. The framework to effectively manage resources from all levels of government is defined in community, county, State and Federal response plans. The plans preidentify local, State and Federal agencies' roles and responsibilities so that blended resources from all levels of government meet the mission. The system prevents self-deployment, allows for States to get the most cost-effective and swiftest assistance, and allows for a Governor to call back assets if need be. EMAC partners, such as the fire chiefs, Major City Chiefs, utilize EMAC to move personnel and resources through the State. There is no other vehicle that ensures reimbursement liabilities and worker compensation.

NEMA is the administrator of the Emergency Management Assistance Compact. The State-to-State mutual aid system was referenced as a key achievement and best practice to be built upon in many of the reports on Hurricane Katrina. EMAC is not a perfect system, but strives to achieve continuous improvement. NEMA members are proud of the success of this system and support initiatives to bolster operational response and elevate awareness of how EMAC works.

EMAC has a strategic plan to put lessons learned into practice. The after-action process from Hurricane Katrina allowed EMAC to examine how to improve the system after catastrophic disasters and unparalleled growth in the use of the system. I would just like to highlight some of the significant improvements we have put into place in the last 2 years as a result of what we have learned from Hurricane Katrina.

First, since the education on EMAC among all levels of government was identified as a key need, NEMA has established an EMAC Advisory Group that is already working together better to integrate mutual aid partners into the EMAC system before future disasters occur and to educate partners. The EMAC Advisory Group has already met four times to discuss common issues, such as resource typing, developing mission packages and deployment issues for future disasters. The group includes representatives from the State and local government associations, the National Guard Bureau, emergency responders associations, public utility associations and the private sector. The discussions and interactions of this group will serve to assist in adding local government assets to the scope of resources and other disciplines that can readily be plugged into the system.

Second, EMAC has hired a full-time training coordinator whose main job will be to provide training for States as well as our local mutual aid partners. Multiple-discipline, standardized training modules will be developed and delivered through distance-learning programs and face-to-face instruction. The national training needs assessment for EMAC will drive the development of curriculum, and a cadre of qualified trainers will be maintained through this initiative. Additionally, the training curriculum will include an ex-

ercise component which will help facilitate the further integration of EMAC in Federal, State and local plans and exercises.

Third, NEMA has evolved in the area of EMAC resource tracking and management. In the coming months, we will fully implement an on-line Requisition A form to allow for swifter approvals from requesting and responding States, which will ultimately allow for improved tracking and faster response to the request for assistance.

Finally, States are engaged in developing their own deployable mission-ready packages, and EMAC is involved in assisting with this responsibility set in both the Post-Katrina Emergency Management Reform Act and the Implementing the 9/11 Commission Recommendations Act for resource typing and credentialing.

The support of EMAC is critical to helping offset the cost of the disasters and building costly infrastructure at the Federal level that could sit unused until a disaster occurs. In order to meet the ever-growing need for the reliance on interstate mutual aid, NEMA is seeking $4 million to continue to build EMAC capabilities. This funding will allow EMAC to focus on the implementation of lessons learned from Hurricane Katrina and Rita, such as training and education for mutual aid stakeholders, resource typing and credentialing, and information and resource capabilities.

Specific funding for EMAC is needed to continue to build capabilities and sustain the EMAC system at appropriate levels for 24-by-7 activation when a disaster occurs. The post-Katrina FEMA Reform Act authorized $4 million annually for EMAC, but no funds were appropriated. NEMA supports the inclusion of the annual budget line item in FEMA to assist with these training and education and resource typing requirements in the fiscal year 2008 DHS appropriations.

I do appreciate Congress' attention and focus on mutual aid, and we must ensure that our mutual aid system has adequate resources and builds plans and systems before a disaster. I thank you for the opportunity to testify on behalf of the National Emergency Management Association.

Mr. CUELLAR. Thank you, Mr. Murphy.

[The statement of Mr. Murphy follows:]

PREPARED STATEMENT OF KENNETH D. MURPHY

Introduction

Thank you Chairman Cuellar, Ranking Member Dent, and distinguished members of the Committee for allowing me the opportunity to provide you with a statement for the record on our nation's preparedness. I am Ken Murphy, the President of the National Emergency Management Association (NEMA) and the Director of Oregon Emergency Management. In my statement, I am representing the NEMA, whose members are the state directors of emergency management in the states, territories, and the District of Columbia. I was named to my current position in 2003, after serving with the agency since July 1999. Previous experience includes over nineteen years of service with U.S. Army as an active duty Guard/Reserve Officer.

I very much appreciate the opportunity to testify before your Committee today on the role of the mutual aid in disaster response. Through the Emergency Management Assistance Compact (EMAC), NEMA's members are the leaders in state-to-state mutual aid facilitation and continuously working to improve the system based on lessons learned from previous disasters. During Hurricanes Katrina and Rita, EMAC fulfilled over 2,174 missions with 49 states, the District of Columbia, the U.S. Virgin Islands and Puerto Rico providing assistance in the form of 65,919 civilian and military personnel and equipment assets to support the impacted states. The estimated costs of this assistance exceeds $829 million. Today, all fifty states,

the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and most recently Guam are parties to the EMAC agreement. Most recently, assets and personnel were used to fight the California wildfires through the EMAC system. In 2007, EMAC was the vehicle used to provide assistance for the Colorado, Nebraska, and Virginia winter storms; the Kansas tornadoes and floods; and Hurricane Dean in Texas.

There are several key areas that I wish to discuss with you today to address our mutual aid system:

1. EMAC as *the* tool for mutual aid before, during, and after disasters to support response and recovery;
2. EMAC's work plan for improving and building on the lessons learned from the largest mobilization in the program's history; and
3. Enhancing EMAC with strong Congressional support and Administrative coordination.

BUILDING OUR NATION'S MUTUAL AID SYSTEM THROUGH EMAC

The EMAC response to Hurricanes Katrina and Rita resulted in the largest deployment of interstate mutual aid in the nation's history. As mentioned previously, EMAC deployed personnel and equipment comprised of multiple disciplines from all member states to respond to Louisiana, Mississippi, Alabama, Florida, and Texas. The process enabled National Guard, search and rescue teams, incident management teams, emergency operations center support, building inspectors, law enforcement personnel, health and medical and other disciplines to immediately assist the requesting states in need of support. The National Guard even chose to continue their response through EMAC when deployed under Title 32 because of the organization, liability protections, accountability, and tracking abilities EMAC provides. EMAC works, especially when deploying resources in teams and task forces with an established command and control structure, as established by the requesting state. EMAC connects the operational dots across state lines during a disaster.

EMAC was created in 1993 after Hurricane Andrew by then–Florida Governor Lawton Chiles. The system was developed through the member states of the Southern Governors' Association to establish mechanisms to enable mutual aid among member states in emergency situations. The Southern Regional Emergency Management Assistance Compact (SREMAC) was signed by participating Governors in 1993. Following recognition of SREMAC's nationwide applicability by the National Governors' Association and FEMA, Congress enacted EMAC in 1996 (P.L. 104–321). EMAC requires member states to have an implementation plan and to follow procedures outlined in the EMAC Operations Manual. EMAC takes care of issues such as reimbursement, liability protections, and workers' compensation issues.

Prior to the historic 2005 deployments for Hurricanes Katrina and Rita, EMAC's largest previous deployment was during the 2004 Hurricane season in Florida, Alabama, and West Virginia, during which time 38 states provided assistance in the form of more than $15 million in human, military, and equipment assets and over 800 personnel to support the impacted states for over 85 days of continuous response operations. EMAC experienced significant growth and development as a result of the September 11, 2001 terrorist attacks. On 9/11/2001, only 28 states were a party to EMAC. That number quickly grew, as states saw the need to have mutual aid in place to respond to a catastrophic disaster and other emergencies and as a means to assist impacted states.

The key to EMAC is that the system provides assistance to those in need, but allows others to assist and learn from disasters in other states. The framework to effectively mange resources from all levels of government is defined in community, county, state, and federal response plans. The plans pre-identify local, state, and federal agency role and responsibilities so that blended resources from all levels of government meet the mission. Resource management is an area that a state impacted by a disaster can rely upon EMAC assistance for to ensure appropriate resources are brought to bear before, during and after a disaster. The only pre-requisite is verbal, followed up by a signed Governor's State of Emergency Proclamation in the requesting state and appropriate paperwork such as the REQ–A. This means not only bringing in equipment, but emergency management personnel to backfill and assist impacted communities when a disaster occurs. The system prevents self-deployment, allows for states to get the most cost effective and swiftest assistance, and allows for a Governor to call back assets if need be. EMAC partners such as the Fire Chiefs and Major Cities Chiefs utilize EMAC to move personnel and resources through the state—there is no other vehicle that ensures reimbursement, liability, and workers' compensation.

EMAC has a strong state organizational structure and commonly accepted protocols. EMAC is not a federal program, but a state developed and state program. Each

year, the day-to-day business operations for EMAC is assigned to an elected EMAC Executive Task Force Chair. Iowa currently serves in this capacity. Additionally, each Region elects a lead EMAC State Representative to serve on the Executive Task Force. NEMA also maintains an EMAC Committee comprised of state emergency management directors who give overall policy guidance and direction for the compact. NEMA also maintains the staff to coordinate the program.

EMAC has also developed in 2004 Model Intrastate Mutual Aid Legislation to provide a tool for states to use on mutual aid within their states. Fourteen states have adopted this model to date. EMAC has also developed a model contract for states to use when utilizing local government employees under EMAC.

EMAC IMPROVEMENTS AS A RESULT OF LESSONS LEARNED

NEMA is the administrator of the Emergency Management Assistance Compact (EMAC). The state-to-state mutual aid system was referenced as a key achievement and best practice to be built upon in many of the reports on Hurricane Katrina. EMAC is not a perfect system but strives to achieve continuous improvement. NEMA's members are proud of the success of the system and support initiatives to bolster operational response and elevate awareness of how EMAC works. EMAC has a strategic plan to put lessons learned into practice. The After-Action process from Hurricane Katrina allowed EMAC to examine how to improve the system after unprecedented disasters and an unparalleled growth in the use of the system. I would like to highlight just some of the significant improvements we have put into place in the last two years as a result of what we have learned from Hurricane Katrina.

- First, since education on EMAC among all levels of government was identified as a key need, NEMA has established an EMAC Advisory Group that is already working to better integrate mutual aid partners into the EMAC system before future disasters occur and to educate partners. The EMAC Advisory Group has already met four times to discuss common issues such as resource typing, developing mission packages, and deployment issues for future disasters. The group includes representatives from state and local government associations, the National Guard Bureau, emergency responder associations, public utility associations, and the private sector. The discussions and interactions of this group will serve to assist in adding local government assets to the scope of resources and other disciplines that can be readily plugged into the system.
- Second, EMAC has hired a full-time training coordinator whose main job will be to provide training for states as well as our local mutual aid partners. Multi-discipline, standardized training modules will be developed and delivered through distance learning programs and face-to-face instruction. A national training needs assessment for EMAC will drive the development of curriculum and a cadre of qualified trainers will be maintained through this initiative. Additionally, the training curriculum will include an exercise component which will help to facilitate the further integration of EMAC in federal, state, and local plans and exercises
- Third, NEMA has evolved in the area of EMAC resource tracking and management. In the coming months, we will fully implement an online REQ–A form to allow for swifter approvals from the requesting and responding states, which will ultimately allow for improved tracking and faster response to requests for assistance.
- Finally, states are engaged in developing their own deployable mission ready packages and EMAC is involved in assisting with responsibilities set in both the Post Katrina Emergency Management Reform Act and the Implementing the 9/11 Commission Recommendations Act for resource typing and credentialing.

States we are better prepared to address disasters through exercises and coordination with surrounding states and interagency partners to exercise the EMAC agreement. One example of how this is being put into practice is North Carolina's 2006 initiative with the National Guard and the State Medical Assistance Team Program (SMAT) medical assets that led to the development of mission ready packages. These teams are resource typed, so a requesting state knows exactly what they are getting when they request specific typed teams. From these team developments, North Carolina learned and was able to share with the various emergency support functions: that resources need to be mission ready for emergency management to broker at the state level; resources and systems should be understood in advance of a disaster to assist each other; resources need to be appropriately allocated using EMAC as the vehicle; planning must occur together across disciplines to develop standardized mission ready packages; and relationships must be developed in advance of the disaster. Other states including Georgia, Mississippi, and Alabama have built on these developments of the medical resource capability.

ENHANCING EMAC WITH FEDERAL INVESTMENT

The support of EMAC is critical to helping offset the costs of disasters and building costly infrastructure at the federal level that could sit unused until a disaster occurs. In order to meet the ever-growing need for and reliance on interstate mutual aid, NEMA is seeking $4 million over three years to continue to build EMAC capabilities. This funding will allow EMAC to focus on the implementation of lessons learned from Hurricanes Katrina and Rita, such as training and education for all mutual aid stakeholders, resource typing and credentialing, and information and resource management. Since EMAC's inception in 1993, EMAC was funded by member states until 2003. In 2003 with the second 9/11 supplemental, FEMA funded EMAC with a 3 year grant of $2.1 million. This funding expired on May 31, 2007. EMAC is currently operating with a $1,005,000 grant for this fiscal year. Funding is being used to continue to build and enhance EMAC capabilities through further development of the EMAC Operations system. I would like to take this opportunity to publicly thank FEMA for their financial support of EMAC. Their support helped us to make the strides that allowed the compact to respond so effectively to Hurricanes Katrina and Rita. EMAC works in conjunction and coordination with the federal resource management systems so that resource allocations are optimized. Both systems need to be employed during large disasters, without making one system a replacement or subservient of another.

While homeland security grants and Emergency Management Performance Grants are helping to build capabilities, the National Homeland Security Strategy counts on the fact that mutual aid is going to be put to use in a disaster. Specific Funding for EMAC is needed to continue to build capabilities and sustain the EMAC system at appropriate readiness levels for 24/7 activation when a disaster occurs. The Post-Katrina FEMA Reform Act authorized $4 million annually for EMAC, but no funds were appropriated. NEMA supports inclusion of an annual budget line item in FEMA to assist with training and education, resource typing requirements in the fiscal year 2007 DHS appropriations, credentialing, and information and resource management. Including a budget line item for building EMAC capabilities and our nation's mutual aid system in the DHS budget for fiscal year 2008 and beyond will help to build and sustain our nation's interstate mutual aid system. We hope we can count on this Committee, which drafted the initial language authorizing EMAC, to support funding in the appropriations process.

Additionally, EMAC faces other challenges. EMAC must maintain a significant partnership with the federal government in order to work. In that respect, I will be meeting with the FEMA Deputy Administrator for National Preparedness later this month to continue to build the EMAC and FEMA partnership. We have to ensure that as changes are made in the federal and state governments and in any change of Administration that EMAC continues to be recognized as an effective system for mutual aid and disaster response. .

CONCLUSION

We appreciate Congress' attention and focus on mutual aid. We must ensure that our mutual aid system has adequate resources to build plans and systems before a disaster. I thank you for the opportunity to testify on behalf of NEMA.

Mr. CUELLAR. I now recognize Chief Westermann to summarize your statement for 5 minutes.

STATEMENT OF STEVEN P. WESTERMANN, PRESIDENT, INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

Chief Westermann. Good afternoon, Chairman Cuellar, Ranking Member Dent, members of the committee. I am Chief Steven Westermann of the Central Jackson County Missouri, Fire Protection District, and current president of the nearly 13,000 members of the International Association of Fire Chiefs. The IASC represents the leadership of America's fire, rescue and emergency medical services, including rural volunteer fire departments and metropolitan career fire departments.

Today I would like to thank the committee for the opportunity to discuss the importance of leveraging mutual aid for effective emergency response. The fundamental cornerstone of every emergency event is at the local government, and local officials are the responding authority. However, there are situations where the

emergency's demands exceed the resources of local departments. Mutual aid agreements are designed to meet these situations. They are based on the principle of neighbor helping neighbor.

In many incidents, a local mutual aid agreement will be sufficient to handle an emergency incident, but in some cases the incident may exceed the resources of the local jurisdiction. A statewide mutual aid system should manage and deploy resources in these situations.

The timely deployment of resources is the key foundation for a successful statewide mutual aid system. A successful statewide mutual aid system also must have the following characteristics: a scalable system that allows a tiered response, implementation of the National Incident Management System and the Incident Command System, a single list of resources categorized by type and kind, a system for ordering resources so that the closest assets are deployed first, the ability to track resources and personnel, an interoperable communications system or plan, a credentialing standard that is simple to understand and manage, a compensation reimbursement plan to identify pay rates for potential responders and deal with issues such as volunteer firefighters and backfilling, articles of agreement to deal with issues such as liability and workers compensation, and a logistical support system to maintain equipment and provide for the responders.

There will be disasters such as Hurricane Katrina that will require a truly national response. The National Response Framework and its 15 emergency support functions are designed to cover the planning, support and implementation of essential services. The U.S. Forest Service is the lead agency for ESF–4, which is designed to provide resource support to firefighting operations that require coordinated Federal response. In addition, the National Emergency Management Association's EMAC serves as a major tool for disaster-stricken States to request aid from other States, and EMAC is recognized by all 50 States. It includes a number of benefits, including liability protections and recognition of professional licenses and certifications.

In early 2005, the National Integration Center contracted the IFC to support their creation of intrastate mutual aid plans. After Hurricane Katrina demonstrated the need for some States to more effectively deploy emergency assets internally, the IFC received greater support for its efforts. Using the anchor States of California, Illinois, Ohio and Florida as models, the IFC's 3-year program uses the State fire chiefs associations to develop robust mutual aid systems in all 50 States.

During the first year, the IFC focused on the Gulf Coast and the Rocky Mountain States to deal with threats of hurricanes and wildland fires. For the second year, the IFC is focusing on the Midwest and Mid-Atlantic States. In the third year, the IFC intends to assist the remaining States.

The IFC is also working on a plan for a national mutual aid system. This system would be annexed to the EMAC and be built on a foundation of States' experience with statewide mutual aid. A national mutual aid system should be based on the FEMA regions and allow a disaster-stricken State to receive assistance within 12 hours. We are working with the U.S. Department of Homeland Se-

curity, NEMA, U.S. Fire Administration and U.S. Forest Service and other stakeholders to develop this national mutual aid system.

The recent California wildfires demonstrated the strengths of a successful mutual aid system and highlighted areas for further study. During the height of the fire siege, over 13,000 firefighters and about 1,500 engines were deployed to combat the fires. The majority of these resources came from within the State of California, with additional firefighting resources provided by other Western States.

During the fire, some fire departments from outside California expressed concern about the delay being reimbursed. Reimbursement can take months or years through the EMAC and Federal reimbursement systems. This delay creates a great fiscal strain on local fire departments. We urge Congress to examine how responding mutual aid units are reimbursed.

In addition, the EMAC system deployed firefighters from other States that were not trained to respond to wildland fires. The IFC supports the development of the credentialing system that has standardized minimum levels of training and provides sufficient evidence of training and agency affiliation. This system must include both career and volunteer firefighters.

A nationwide credentialing and resource-tightening system also should focus on the ability to deploy units within and between States that are composed of both apparatus and personnel.

We also urge Congress to pass H.R. 2638, the fiscal year 2008 DHS appropriations bill. We support the House-passed funding levels of $570 million and $235 million respectively for the FIRE and SAFER grant programs. These programs bolster local response capabilities that can be used for mutual aid. We also support the $100 million that the Senate passed to fund new grants to support communications interoperability and operability. In addition, this bill also funds important Federal agencies, such as the USFA and the NIC, which are engaged in important Federal mutual aid initiatives.

Thank you again for the opportunity to address this committee on this important topic. On behalf of America's fire and EMS chiefs, I thank the Congress and especially the Homeland Security Committee for its continued support of America's fire services.

Mr. CUELLAR. Thank you, Chief.

[The statement of Chief Westermann follows:]

PREPARED STATEMENT OF CHIEF STEVEN P. WESTERMANN

Good morning, Chairman Cuellar, Ranking Member Dent, and members of the committee. I am Chief Steven P. Westermann, CFO, of the Central Jackson County, Missouri, Fire Protection District and President of the nearly 13,000 members of the International Association of Fire Chiefs. The IAFC represents the leadership of America's fire, rescue, and emergency medical services (EMS) ranging from large, metropolitan, career fire departments to small, rural, volunteer fire departments. Today, I would like to thank the committee for the opportunity to discuss the importance of leveraging mutual aid for effective emergency response.

The Fire and Emergency Service Community

America's fire and emergency services are the only organized group of American citizens that is locally situated, staffed, trained, and equipped to respond to all types of emergencies. There are approximately 1.1 million men and women in the fire and emergency services—316,950 career firefighters and 823,950 volunteer firefighters—serving in 30,400 fire departments around the country. They are trained to respond to all risks and hazards ranging from earthquakes, hurricanes, tornadoes and floods,

to acts of terrorism, hazardous materials incidents, technical rescues, fires, and medical emergencies.

The fire service protects America's critical infrastructure—the electrical grid, interstate highways, railroads, pipelines, petroleum and chemical facilities—and is, in fact, even considered part of the critical infrastructure. The fire service protects federal buildings, provides mutual aid to most military bases, and protects interstate commerce. No passenger airliner takes off from a runway that is not protected by a fire department. The transport of hazardous materials is an integral part of the U.S. economy, and when they spill or ignite, the fire service responds to protect lives and clean up the mess.

Mutual Aid

The fundamental cornerstone of every emergency event is that the local government and local officials are the responding authority. When there is an emergency incident, a jurisdiction's local fire, EMS, and police resources respond. However, it is understood in the fire service that there will be situations where the emergency's needs exceed the resources of the local departments. In these situations, fire departments call upon their neighbors for help. Mutual aid agreements are based on this principle of neighbor helping neighbor. In many incidents, these local mutual aid agreements will be sufficient to handle an emergency incident.

In some cases, the incident may exceed the capabilities of a local jurisdiction or its neighbors. A robust intrastate mutual aid system is critical to respond to these incidents. The system manages and deploys resources to the incident scene. The key factor for statewide mutual aid systems is the timeliness in which resources can be delivered to save lives. The states with advanced and well-tested intrastate mutual aid systems are California, Illinois, Ohio, and Florida.

Situations, such as Hurricane Katrina, can exceed a state's resources and depend on a national response. The National Response Framework includes 15 Emergency Support Function (ESF) annexes to cover the planning, support, implementation and services that are most likely to be needed during a large-scale event. The ESF–4 is designed to provide resource support to wildland, rural, and urban firefighting operations that require a coordinated federal response. The U.S. Forest Service is designated as the lead agency for ESF–4.

One of the major avenues for the deployment of national assets is the Emergency Management Assistance Compact (EMAC). Originally established in 1993 and ratified by Congress in 1996, the EMAC is composed of all 50 states and administered by the National Emergency Management Association (NEMA). The EMAC serves as a vehicle for a disaster-stricken state to request mutual aid from other states. The EMAC system includes a number of benefits, including liability protections for the out-of-state responders and recognition of their professional licenses and certifications.

State Mutual Aid Programs

In early 2005, the IAFC was contracted by the National Integration Center (NIC) to support the creation of formalized and comprehensive intrastate mutual aid plans. Support for the National Fire Service Intrastate Mutual Aid System (IMAS) increased after it became apparent during Hurricane Katrina that some states need to improve their mutual aid plans to deploy resources to affected areas more effectively. For example, there was a clear need to help disaster-stricken states deploy firefighters and their equipment from unaffected areas within hours of a major disaster before relying on interstate or federal aid that could take days to deploy. The NIC gave $1 million to the IAFC to fund efforts to improve both statewide and national mutual aid systems.

Using the "anchor states" of California, Illinois, Ohio, and Florida as models, the IAFC is helping all fifty states develop robust mutual aid systems as part of a three-year program by leveraging our relationships with state fire chiefs associations. During the first year, the IAFC focused on assisting states in the Gulf Coast region and Rocky Mountain states based on the threats of hurricanes and wildland fires. For the second year, the IAFC is focusing on states in the Midwest and Mid-Atlantic regions. By the third year of the program, the IAFC intends to assist the remaining states in the West, Midwest, and Northeast regions of the country. The plans in these states can be adopted to suit the needs of other emergency services and disciplines.

Based on its experiences with wildland fires, the state of California has created an effective state mutual aid plan that serves as a model for other states. According to the California Master Mutual Aid Agreement and Part One of the Standardized Emergency Management System (SEMS), California consists of five escalating organizational levels that can be activated as necessary:

- **Field Response:** At this level, emergency response personnel and resources, under the command of an appropriate authority, carry out tactical decisions and activities in direct response to an incident or threat.
- **Local Government:** Local governments manage and coordinate the overall emergency response activities within their jurisdiction. This level includes counties, cities, and special districts.
- **Operational Area:** This is an intermediate level of the state's emergency services organization that encompasses the county and all political subdivisions located within the county. The operational area manages and coordinates information, resources and priorities among local governments within the area, and serves as the coordination link between the local government level and the regional level.
- **Region:** Due to its size and geography, the state of California is divided into six mutual aid regions. The purpose of each region is to provide for the more effective application and coordination of mutual aid and other emergency-related activities. The regional level manages and coordinates information and resources among operational areas within the mutual aid region, and also between the operational areas and the state. The regional level also coordinates overall state agency support for emergency response activities within the region.
- **State:** This level manages state resources in response to the emergency needs of other levels, and coordinates mutual aid among the six mutual aid regions and between them and the state. The state level also serves as the coordination and communication link between the state and the federal disaster response system.

Other factors are also important to a successful state mutual aid system. The implementation of the National Incident Management System (NIMS) and the incident command system allow multi-agency resources to operate together within a common organizational structure with common terminology, span of control, and resource typing. A statewide mutual aid system depends on the establishment and maintenance of a single, statewide recognized list of resources that is categorized by type and kind. A system for ordering resources must be developed to ensure that the closest available and appropriate resources are deployed first, and that the requesting jurisdiction has an expectation of a timely response, mobilization, en route times, and on-scene arrival. When resources are mobilized, including personnel, they must be tracked. The state also must have an interoperable communications system or a plan to ensure interoperable communications, so that the responding units can effectively communicate with each other. A statewide standard for the credentialing of personnel to ensure minimum and consistent standards for performance must exist. The state must develop a compensation/reimbursement plan to identify pay rates for potential responders, handle issues relating to volunteer firefighters, and cover backfill for the responding agency. The state also must develop articles of agreement that address issues relating to liability, workers' compensation, and dispute resolution for financial and other issues. Finally, all state mutual aid plans must anticipate the increased need to maintain the mechanical functioning of tools and apparatus and provide for the logistical needs of the responders.

The recent wildland fires in California demonstrated the advantages of having a strong state mutual aid system. At the height of the fire siege, over 13,000 firefighters and about 1,500 engines were deployed to combat the fires in southern California. A majority of these resources came from within the state of California with additional firefighting resources provided by other western states.

National Mutual Aid System

In conjunction with the IAFC's efforts to improve statewide mutual aid plans, the IAFC also is working on developing a plan for a national mutual aid system. This national system would serve as an annex to the EMAC, and strengthen the foundation for effective interstate mutual aid by assuring the existence of a system of states experienced with the provision of mutual aid. The national mutual aid system should be based on the FEMA regions. By drawing resources from other states within a FEMA region, the disaster-stricken state should be able to receive interstate assistance within 12 hours of an emergency. It is important to recognize that a successful interstate mutual aid program also would depend on continued stakeholder and financial support.

To develop a well-coordinated national fire service mutual aid system, the IAFC is working with the NEMA, the U.S. Fire Administration, and the U.S. Forest Service. The IAFC also is working with other stakeholder organizations to develop education programs to prepare the fire service for the implementation of the national mutual aid system.

Credentialing

One important issue for an interstate and intrastate mutual aid program is credentialing. The IAFC supports the development of a credentialing system that includes both career and volunteer firefighters, and provides sufficient evidence of training and agency affiliation, while not placing an excessive burden on the participants. A successful credentialing and resource typing system would focus on the ability to deploy units within and between states that are composed of both apparatus and personnel.

It is vital that any national credentialing and resource typing system be simple to understand and manage. Prior attempts at developing these systems have been bogged down by a need to be all things to all people. As a practical matter, a credentialing and resource typing system that is composed of lengthy lists of personnel and resources can create a process that is too cumbersome for the vast majority of local fire departments to adopt. The IAFC recommends that a national credentialing and resource typing system be based on a core set of capabilities that will be easy for agencies from all levels of government to adopt.

Role of Congress

While Congress has taken the most important step in supporting mutual aid by ratifying the EMAC in 1996, there are still steps that it can take to support mutual aid.

For example, it is important that the fire departments that provide mutual aid are reimbursed in a timely manner. Under the current system, the local fire departments that send resources to help must bear all of the initial costs incurred in sending the engines and personnel. Reimbursement can take months or years through the EMAC or federal reimbursement systems, causing significant financial distress on these local fire departments who were simply trying to help their neighbors. This issue came up during the recent California wildland fires when some fire departments from outside the state expressed concern about the delay in being reimbursed. Small fire departments can face severe hardship if they are forced to wait months for reimbursement. We urge Congress to examine how responding mutual aid units are reimbursed, whether they are dispatched through the EMAC system, through the U.S. Forest Service or U.S Department of Interior, or through a direct request from FEMA.

Also, as an illustration of the need for a credentialing system that provides for standardized minimum levels of training, some of the firefighters that were deployed from other states to California through the EMAC system were not trained to respond to wildland fires. Although these firefighters were supposed to backfill for the fire departments deployed to respond to the wildland fires, the reality is that any firefighter in any station in the West could be dispatched to fight a wildland fire. In some cases, that is exactly what happened and these firefighters were used to fight wildland fires. There needs to be a greater effort to make sure that all firefighters, especially those in the West, are trained to respond to fires in the wildland urban interface.

In addition, Congress can fund a number of important programs that support mutual aid activities. Specifically, Congress should pass H.R 2638, the Fiscal Year (FY) 2008 DHS Appropriations bills to fund the following programs:

- **The National Integration Center:** The NIC plays an important role in overseeing the development and implementation of the NIMS. The NIMS is important in ensuring an organized, unified incident command system during a national disaster. In addition, the NIC is engaged in important initiatives to improve national and statewide mutual aid and develop credentialing and resource typing programs.
- **The Assistance to Firefighters Grant (AFG) program:** The AFG's FIRE and SAFER components grant matching funds to local fire departments for staffing, equipment, training, and prevention programs. Unlike the State Homeland Security Grant and the Urban Areas Security Initiative programs, the AFG programs fund fire departments' capabilities to respond to all hazards, including hurricanes and wildland fires. Since the resources deployed in national disasters are locally-owned, it is important to bolster local response capabilities. The IAFC supports the House-passed funding levels of $805 million for the AFG program, including $570 million for the FIRE grants and $235 million for the SAFER grants.
- **The Interoperable Emergency Communications Grant Program:** The Interoperable Emergency Communications Grant Program was created by the "Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L.110–53)." This grant program sets out federal funding to ensure both communications operability and interoperability by funding equipment, training, planning, and governance activities as outlined in the SAFECOM interoperability con-

tinuum. The need for interoperable communications still remains an obstacle to national mutual aid, even six years after the terrorist attacks of 9/11. The IAFC supports the Senate-passed amount of $100,000 in H.R. 2638.

•**The U.S. Fire Administration:** The USFA plays an important role in promoting mutual aid for the fire service. By working with the U.S. Forest Service, it is helping to support operations under ESF–4. In addition, the USFA has been deeply involved in the development of a national credentialing system, including a study in 2005. The House and Senate have both passed appropriations of $43.3 million for this program.

Conclusion

Thank you again for the opportunity to address this committee. On behalf of America's fire and EMS chiefs, I would like to thank you for holding this hearing on the important topic of mutual aid and look forward to answering any questions that the committee members may have.

Mr. CUELLAR. I now recognize Mr. Ronczkowski to summarize your statement for 5 minutes.

STATEMENT OF MICHAEL RONCZKOWSKI, HOMELAND SECURITY BUREAU, MIAMI-DADE POLICE DEPARTMENT

Mr. RONCZKOWSKI. Thank you, Chairman Cuellar and Ranking Member Dent, and other distinguished Members. I appreciate the opportunity to come before you today to discuss matters of mutual concern.

I am Michael Ronczkowski, Major of the Miami-Dade Police Department's Homeland Security Bureau, and I am here on behalf of Director Robert Parker of the Miami-Dade Police Department as well as my Major City Chiefs Association.

Law enforcement agencies have long participated in mutual aid agreements and memorandums of——

Mr. CUELLAR. Is your mike working?

Mr. RONCZKOWSKI. Are we testing operability? Okay. I am sorry.

Mr. CUELLAR. All right. Go ahead. Continue. Thank you, sir.

Mr. RONCZKOWSKI. Thank you for the opportunity.

Law enforcement has long been participants in various mutual aid agreements as well as memorandums of understanding. Events such as Katrina, Rita, man-made, natural disasters, it makes no difference to us. What we are striving to do is go forth with different efforts to come to the assistance of our fellow comrades, whether it is law enforcement, fire, emergency managers or the overall incident at hand.

Since 9/11—the 9/11 Act, I should say—There is a recommendation that law enforcement deployment teams be put forth to be studied. The Major City Chiefs has taken the Law Enforcement Deployment Team recommendation to study law enforcement deployment teams and made it a reality. There is a document that we have been working and partnering with ATF, as well as DHS, as well as the various other people that have interest in this, and we have put together a viable document that is in the process of being vetted and worked around the system in the past 6 weeks.

Like the fire service and the emergency management community as a whole, law enforcement rallied to provide everybody with help regardless of the size of the catastrophe. The problem that we have with law enforcement is agencies, regardless of whether it is a two-person agency or 20,000-person agency, everybody felt the need to send personnel, and we are striving to struggle with how do we get them there? Once they are there, what do we do with them, who

do they report to, who manages them? Law enforcement wants to show up to be a party to this with full law enforcement capabilities.

When Major City Chiefs met about 6 weeks ago, the concept of EMAC was brought forth. The testimony that Dick Cashdollar has put forth before you represents where we stand on that matter. The issue of EMAC that was amongst the chiefs as well as other people in the room was one of, what is EMAC? We were trying to understand it. We did not know what it was or how to get it out. Now we understand it, and we are going to use that as a vehicle through these Law Enforcement Deployment Teams to get the word out amongst our personnel once they arrive.

It is not a matter of showing up with a presence, it is a matter of showing up with a purpose, and our purpose is outlined in the law enforcement checklist as part of Req A. The Requisition A component, we think, will address many of the issues that are out there. There are several issues that are at hand. We need to be ready not just for 1 day, 1 week, but the possibility of having law enforcement personnel on the ground for 1 year or preventative measures on the front side.

We have, as I stated, worked with the Las Vegas Metropolitan Police Department, who hosted the meeting, the FBI, DHS and ATF. Mr. Bourne was actually one of the participants on the panel that we worked with. The goal of this workshop was to discuss the concept of rapidly deploying the law enforcement teams that can provide continual law enforcement support, not just traffic management. We are talking from corrections to investigations on through.

The discussion came about, how do we do this? Well, we want to go ahead and we want to use existing models, the USAR model, the DMAT mobilization model. However, these components, these programs are federalized, and one thing we do not want the Law Enforcement Deployment Teams is to be federalized. The reason being is if we get deputized at the Federal agency level, that limits our ability to act in the law enforcement capacity at the local level. That is why we are encouraging the adoption into full use of the Req A process with the law enforcement checklist that NEMA put forward and Dick Cashdollar puts out in his testimony.

We have developed a documented framework for implementation of the deployment teams. This included an all-hazard approach not just for disasters; man-made, natural made no difference. One thing that law enforcement has the ability to do is respond ahead of an event should we get some insight or information that something may occur. Whether it is a large rally, get-together, organizational component or whatever the case may be, we can be there on the front side.

That is something that goes against the reimbursement models that are out there, and I am glad my colleagues at the table here have mentioned reimbursement, because that is the cornerstone for many of these agencies. Larger agencies are able to take pieces on. The smaller agencies do play a role. There are a lot more of them than there are of the large ones.

The program that we are looking to put forth is regional, one that follows the 10 FEMA regions that are already in existence. Each team would be completely scalable, with no more than 500 personnel. Realizing that local law enforcement is a different mis-

sion than Federal law enforcement, there will be no Federal members on this team. They will be complementary in their role for their mission. But we are talking the role of local law enforcement here. Teams provide essential law enforcement support. Whether it is crowd control, road patrol, traffic, advanced communication; whether it is SWAT, bomb, we will be able to handle various degrees.

We have put together a core list of core skills that we are seeking to have as part of the team. Each team will include emergency support personnel from all the other disciplines. Teams will be comprised of modular components, and we would rely on various caches of equipment that are out there, such as the Prepositioned Equipment Program and other pieces that are already in place. Law enforcement will come with the majority of the equipment. Most of what we will need is food, water and the essentials to sustain ourselves. We will be following the National Incident Management System, the ICS model, and take best practices from across the Nation.

We are a firm believer in FEMA's efforts to support resource typing and identification, that this will leverage our capabilities. When the incident commander calls, the incident commander will run and control these teams. He needs to understand what he has. Having 500 officers show up that have one skill set will do him no good. We are going to draw upon the best practices. However, one practice that is not understood by many, and that is the reimbursement model.

The Stafford Act addresses much of the reimbursement. As we are well aware in south Florida, FEMA and DHS have done a really great job in the past couple of years with hurricanes. Reimbursement has become something we are quite efficient at, with the various hurricanes we had, whether it was Katrina, Rita, which did impact, or Wilma a couple years ago. The capability of reimbursement was great.

The problem is with the Stafford Act, limitations are in place for after action. We may have to be deployed preventative. There may be other things that are going to have to be addressed within the Stafford Act expansion or modification there. We are not looking to supersede any existing interstate mutual agreements, memorandums of understanding. We are talking interstate. We want to make sure that the incident commander has support completely through the entire operation, whether it is a fire commander or law enforcement commander. The unified command system will address the needs of everybody at hand.

I thank you for the opportunity to come here and represent Major City Chiefs as well as the south Florida region, and I look forward to answering any of your questions.

Mr. CUELLAR. Thank you again for your testimony.

[The statement of Mr. Ronczkowski follows:]

PREPARED STATEMENT OF MAJOR MICHAEL RONCZKOWSKI

Chairman Cuellar, Ranking Member Dent, members of the Subcommittee, thank you for the opportunity to discuss law enforcement efforts to provide comprehensive response capabilities for all-hazard disasters in the United States.

I am Michael Ronczkowski, major of the Miami-Dade Police Department?s Homeland Security Bureau and I am here on behalf of Director Robert Parker of the

Miami-Dade Police Department and I am also representing the Major Cities Chiefs Association (MCC), whose members include the 56 largest police departments in the United States.

Law enforcement agencies have long participated in mutual aid agreements with other law enforcement and first responder agencies. We have developed strong relationships with fire and emergency management agencies like those on this panel. All of us agree on the necessity to develop robust mutual aid agreements with regional partners in advance of natural or man-made disasters. It is only through collaboration that we can effectively protect the public and provide timely and effective response. As far as we have come in developing regional mutual aid agreements since 9/11, the response to Hurricanes Katrina and Rita made it painfully clear that this country is missing a critical response capability—one focused on providing coordinated law enforcement services and support to regions severely impacted by natural disasters or terrorist attacks.

Like the fire service and the emergency management community as a whole, law enforcement rallied to provide our brothers in need with help regardless of the catastrophe. Dozens of police departments from around the country sent teams of officers and response equipment to Louisiana and Mississippi immediately following Katrina and Rita. Police were needed to maintain stability and to fulfill requests from search and rescue and fire teams for law enforcement escorts due to unrest in the most impacted areas. Upon arriving in the region, officers quickly discovered that almost all ability to provide basic public safety support was destroyed. Response capabilities were severely impacted and the ability to maintain basic law and order was compromised. Departments continued to send support in an ad hoc and uncoordinated fashion without any central coordinating entity, indentified an needs skills, documentation, liability considerations, reimbursement and sustainment. Mission tasking and areas of responsibilities were often unclear. Skill sets and equipment graciously sent did not always meet the on the need on the ground. Incident commanders were left with a patchwork of personnel and equipment, often with varying capabilities and training and not knowing how long they will be available.

For weeks and months after the storm, local law enforcement agencies in the impacted areas struggled to maintain command and control. As response turned to recovery, local agencies continued to need support to provide essential public safety services, such as neighborhood patrols, crowd control, and custody operations. Advanced law enforcement capabilities were also lacking, including investigative, correctional, special weapons and tactics (SWAT) teams and bomb squads. As time progressed deployed personnel began to suffer from fatigue and stress from the harsh environment. Equipment began to fail and basic supplies needed to be refreshed. However, there was no formal mechanism to manage the deployment of resources over the entire period of the operation whether it was one week or one year.

Hurricanes Katrina and Rita demonstrated a critical gap in our nation's law enforcement response and sustainment capability. Collectively, the nation's local law enforcement agencies recognized we had a responsibility to address the void.

With the support of the Department of Homeland Security, namely the Federal Emergency Management Agency, an executive workshop was conduct in August 2007 to develop a general framework for a nationally deployable law enforcement response capability. Hosted by Sheriff Douglas Gillespie from the Las Vegas Metropolitan Police Department, members from the Major Cities Chiefs Association, Major County Sheriffs' Association and the National Sheriff's Association were joined by senior officials from DHS, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the Federal Bureau of Investigation (FBI). Mr. Bourne was one of the participants and we appreciate his contribution and ongoing support.

The goal of the workshop was to discuss the concept of rapidly deployable teams of law enforcement officers capable of providing incident commanders with immediate and continual support in the wake of natural or man-made incidents. Coined Law Enforcement Deployment Teams (LEDTs), these teams would provide professional law enforcement resources to ensure the Nation's civil well-being in an all hazards environment.

The concept of having mobile teams of first responders is not new. The LEDT concept was inspired by the Urban Search and Rescue (US&R) program and the Disaster Medical Assistance Teams (DMAT). Both of these programs are comprised of teams of professional first responder that have received standardized training and supported by strategically placed caches of equipment. However, there is no law enforcement equivalent although the need and desire are clear.

Participants in the workshop developed a documented framework for the implementation of a national LEDTs program, to include the following:

• The program would be all-hazards—not just for disasters. LEDTs could be deployed for a hurricane, terrorist attack, or a special event where there is a credible or preserved threat.
• The program would be regional and consistent with the 10 FEMA regions, but not under the control of FEMA or DHS directly.
• Each LEDT would be scalable and comprised of no more than 500 state and local personnel, none of which would be Federal law enforcement.
• LEDTs would report to the local Incident Commander, consistent with the National Incident Management System and the Incident Command Structure.
• Teams would provide essential law enforcement support (e.g. patrol and crowd control) but also have the capability to provide advanced and specialized skills (e.g. SWAT).
• Each team would include related emergency support personnel capabilities such as emergency medical technicians, mental health specialist, and logistics support.
• Teams would be comprised of modular components, enabling individual components to be deployed.
• LEDTs would arrive at the disaster site with all necessary equipment as identified by the incident commander in concert with advance team recommendations—supplied by regional equipment caches that included standardized stock of law enforcement specific response equipment.
• A national database of LEDT capabilities would assist in the deployment of team and would also track equipment and training—allowing capability gaps to be identified and rectified.
• Existing caches of equipment could be leveraged and expanded to include law enforcement specific equipment.
• DHS programs that are currently supporting the establishment of interoperable communications and the distribution of response equipment, like the Commercial Equipment Direct Assistance Program (CEDAP). CEDAP is designed to "fill the gaps" in equipment among responders. Because CEDAP is not a grant, the local agencies receive their equipment directly from the federal government saving time and money. In the event of a regional response, interoperability of the CEDAP equipment will be an important aspect of mutual aid. We strongly support this easy to use Federal program and hope that Congress will increase its funding so that smaller agencies will be able to contribute to a mutual aid response.
• Partnership with the private sector would be brokered so that the LEDT program could leverage their extensive logistics and supply networks.
• FEMA's resource typing and identification effort would be leveraged in developing standard capabilities and equipment requirements.
• Each LEDT would be self-sufficient, capable of sustained operations for no more than 14 days. The general consensus was that longer deployments would create prolonged stress for team members.
• Additional deployments would continue to be tailored to the change conditions on the ground as defined by the local incident commander.
• LEDTs would display uniform identification that is recognized by all authorities.
• Standardized credentials and certification in appropriate training and exercises would ensure that team members are interoperable.
• Policies and procedures for the LEDTs would leverage similar programs to the greatest extent possible and draw upon best practices nation-wide.
• The Emergency Management Assistance Compact (EMAC) would be used, including the recently adopted Law Enforcement Checklist. This provides a standardized request methodology that most local agencies are familiar. The LEDT program in use of EMAC is not looking to supersede existing intra-state mutual aide agreement, rather proving standardization for inter-state agreements.

The end product of the workshop is a report that identifies significant issues and law enforcement recommendations on how to structure a national LEDT program. This report represents the consensus of the nation's largest law enforcement agencies. It is currently being reviewed by FEMA and will be present it to this committee once finalized.

Yet to be resolved and defined in further detail are issues relating to liability, authority, reimbursement/funding and deputization. Major Cities Chiefs are opposed to federal deputization based on the limiting ability to enforce state and local laws and integrate within the jurisdiction of need. Congress should consider expanding or modifying the Stafford Act so that LEDTs related activities and equipment are recovered. As funding options are considered, the Chiefs and Sheriffs strongly en-

courage the implementation of a new funding source specifically for LEDTs and that existing grant programs are not supplanted.

This, however, is just the first step in the process. Law enforcement looks forward to working with DHS and the other Federal partners as the LEDT concept continues to be developed. As the committee members know, the 9/11 Commission Act of 2007 established the Office for State and Local Law Enforcement within DHS and calls on this new office to study the issue further. We look forward to collaborating with this office and other federal agencies.

Thank you for allowing me to speak on this important issue.

Mr. CUELLAR. At this time I will recognize Mr. McPartlon to summarize your statement for 5 minutes.

STATEMENT OF JIM MCPARTLON, III, PRESIDENT, AMERICAN AMBULANCE ASSOCIATION

Mr. MCPARTLON. I greatly appreciate the opportunity to speak before you today. My name is Jim McPartlon, and I currently serve as the president of the American Ambulance Association. I started my career in emergency medical services 30 years ago as an EMT, and today I am the vice president of Mohawk Ambulance Service, providing services in Albany, Schenectady and Troy, New York.

AAA is the primary trade association, composed of more than 700 ambulance services with members in every State, transporting over 6 million patients a year. AAA members include private, public, fire and hospital-based providers.

The immediate response to a natural or man-made disaster involves many local public safety, public health and health care organizations. As first responders, America's ambulance service providers are an essential resource and perform vital services as part of each community's emergency response system. This was abundantly clear during the response to Hurricanes Katrina and Rita in which over 500 ambulances and thousands of EMTs and paramedics assisted patients in need.

While great strides have been made to leverage mutual aid for emergency response, improvements are still required to more effectively use ambulance services. Ambulance services are a mix of governmental and nongovernmental providers, serving alongside our fire and law enforcement colleagues, and are a critical part of the emergency response system; however, nongovernmental ambulance service providers often face difficulty in being properly included in the preparation and response to catastrophic events.

To ensure that all ambulance service providers can be effectively utilized under mutual aid for emergency response, I recommend to the committee the following: Ensure that adequate Federal homeland security funding is available to governmental and nongovernmental ambulance service providers; further integrate all ambulance service providers into local, State, Federal planning and exercises, and require that nongovernmental ambulance service providers be included under appropriate mutual aid agreements such as EMAC's; strengthen interstate or intrastate mutual aid as an essential component of the National Response Framework; and lastly, increase access for all ambulance service providers to funding for emergency communications and equipment systems.

In 2005 and in 2006, DHS reported that emergency medical service providers received only 4 percent of the Homeland Security funding. This level of funding is incredibly inadequate to properly

train and equip paramedics and exposes frontline emergency health care workers to further risk when responding to a disaster.

The recent TOPOFF 4 exercise in Phoenix illustrates the need for improved integration and coordination of nongovernmental providers. While nongovernmental ambulance service providers played an extremely important role in the exercise, they were isolated from fellow governmental first responders and placed in the private sector operation center, which in this case happened to be in the middle of the radioactive plume from the dirty bomb. This removed ambulance officials from direct interaction with managers of the emergency response and delayed situational awareness and response by the ambulance personnel.

Shifting to EMAC, although it is an efficient way to mobilize interstate mutual aid, challenges still exist with the development and deployment of the system. Only 17 States have arranged to utilize private-sector resources to fulfill EMAC requests. Almost two-thirds of the States do not allow the inclusion and the deployment under EMAC of nongovernmental ambulance service providers, which constitute the majority of available ambulances and personnel. Interstate mutual aid plans need to be strengthened so local communities can reach out to their State when in need and so States will have the resources organized for sending to neighboring States when requested through EMAC.

The bridge collapse in Minneapolis demonstrated how a strong intrastate mutual aid system can work. Immediately after the collapse, mutual aid from the seven closest counties responded, and within 2 hours all patients were transported to the necessary medical facility. Without a well coordinated and robust mutual aid system, patient treatment and transport would have been delayed.

To ensure that all ambulance service providers can communicate during an incident, nongovernmental providers must be eligible for grants and involved in the communications interoperability planning activities. Additional spectrum and systems must be made available to both government and nongovernmental providers.

In conclusion, to ensure the effective involvement of all ambulance service providers and mutual aid for emergency response, there needs to be more Homeland Security funding directed towards emergency medical services and better integration of nongovernmental providers.

I again thank Chairman Cuellar, Ranking Member Dent and members of the subcommittee for the opportunity to testify today. I would be happy to answer any questions at the appropriate time.

Mr. CUELLAR. Thank you for your testimony.

[The statement of Mr. McPartlon follows:]

PREPARED STATEMENT OF JAMES P. MCPARTLON, III

I. Introduction

Chairman Cuellar, Ranking Member Dent and members of the Subcommittee on Emergency Communications, Preparedness, and Response, I greatly appreciate the opportunity to speak before you today. My name is Jim McPartlon and I currently serve as the President of the American Ambulance Association (AAA). I started in the emergency medical services (EMS) sector as an EMT 30 years ago and today I am the Vice President of Mohawk Ambulance Service which provides emergency and non-emergency ambulance services to the cities of Albany, Schenectady and Troy, New York and the surrounding areas.

The AAA is the primary trade association representing ambulance service providers that participate in serving communities with emergency and non-emergency ambulance services. The AAA is composed of more than 700 ambulance operations and has members in every state; transporting over 6 million patients every year. AAA members include private, public and fire and hospital-based providers covering urban and rural areas. The AAA was formed in response to the need for improvements in pre-hospital healthcare and medical transportation.

It is in my elected role as President of the AAA that I appear before you today, to provide the perspective of the Association regarding "Leveraging Mutual Aid for Effective Emergency Response."

II. Recommendations for More Effective Use of Ambulance Services

While great strides have been made over the years to better leverage mutual aid for emergency response, improvements are still required to more effectively use ambulance services. Ambulance services are a mix of governmental and nongovernmental providers which serve alongside our fire and law enforcement colleagues and are a critical part of the emergency response system. Our operations are comprised of paramedics, emergency medical technicians and other emergency medical service professionals. However, ambulance service providers, in particular nongovernmental, often face difficulty in being properly included in the preparing and response to catastrophic events.

To ensure that all ambulance service providers can be effectively utilized under mutual aid for emergency response, I recommend to the Committee the following:

1. Ensure that adequate federal homeland security funding is available to governmental and nongovernmental ambulance service providers for personal protective equipment, training and other resources necessary to support critical public safety missions.
2. Further integrate governmental and nongovernmental ambulance service providers into local, state and federal planning and exercises and require that nongovernmental ambulance service providers be included under appropriate mutual aid agreements such as Emergency Management Agreement Compacts (EMACs);
3. Strengthen intrastate mutual aid as an essential component of the National Response Framework capability; and,
4. Increase access for governmental and nongovernmental ambulance service providers to funding for emergency communications equipment and systems in order to ensure that our systems achieve interoperability with other first responders.

III. Role of Ambulance Service Providers as First Responders

The immediate response to a catastrophic disaster, act of terrorism or other public health emergency involves many local public safety, public health and health care organizations. As first responders, America's ambulance service providers are an essential resource and perform vital services as part of each community's emergency response system. This was abundantly clear during the response to Hurricanes Katrina and Rita in which over five hundred ambulances comprised of paramedics and emergency medical technicians from around the country, assisted patients in need and local agencies in their response to the catastrophic events along the gulf coast.

During the response to a natural or man-made disaster, the role of an ambulance service provider includes patient care and triage, decontamination, treatment, and transport. Their role also includes hazard recognition, symptom surveillance and reporting, disaster shelter staffing and re-supply, on-scene medical stand-by, and transport and redistribution of patients to better utilize available receiving hospital resources. Many agencies have begun developing "strike teams" or "disaster response teams" to effect rapid deployment in support of local, state and federal resources.

America's 9–1–1 ambulance service providers are a diverse group of public, private, hospital and volunteer-based services. Indeed, many stories of heroism and sacrifice include representatives from all these agencies as they have responded to natural and man-made disasters.

During a catastrophic disaster, local ambulance services providing emergency medical services are an essential resource and a vital part of the emergency response system. In a review of the nation's largest 200 cities, including those most vulnerable to attack, emergency ambulance services are provided by private, public, volunteer, and hospital-based agencies. Experience has shown that non-emergency as well as emergency ambulance service providers often serve as "first responders" by dedicating essential vehicle and personnel resources within the first hours of a disaster.

IV. Importance of Private-Public Partnerships

Unlike fire and police, the private sector is a major provider of emergency and non-emergency ambulance services across the nation. While the emergency medical service system design varies greatly, in almost all cases there is participation by both public and private entities. For this reason, it is critical that a strong partnership exist between government and nongovernmental first responders and those who manage the total emergency response system. Furthermore, the successful management of any emergency response is directly related to the coordination of all assets being deployed.

The recent TOPOFF 4 exercise in Phoenix illustrates the need for improved integration and overall system response coordination of nongovernmental providers. While nongovernmental ambulance service providers played an extremely important role in the exercise, providers were placed in the private sector operations center and separated from their fellow governmental first responders and emergency health care workers. This removed ambulance officials from direct interaction with managers of the emergency response system and delayed situational awareness and response by the ambulance officials. It is ironic that the private sector operations center was located in the direct path of the radioactive debris plume from the dirty bomb. Those responsible for mobilizing the front line of the emergency medical response would be therefore incapacitated from directing critical care to victims as well as other first responders.

V. Current Challenges with Mutual Aid

The National Response Framework recognizes that all disasters are local; therefore the response must begin with the utilization of the closest available units i.e. the local response. As the disaster (or preparation for the disaster) becomes larger in scale, the greater the need is for an expanded response, beginning with neighboring communities, neighboring states and finally a federal response. Because a majority of disasters are smaller in scale, attention needs to be paid on building local, state and interstate mutual aid systems allowing the closest resources to mobilize and respond.

Although EMAC is an efficient way to mobilize interstate mutual aid, challenges still exist to the development and deployment of the system. Each state develops a unique mutual aid agreement and there are few standards and procedures that exist across the nation. For example, only 17 states have arranged to utilize private sector resources to fulfill EMAC requests. Almost two-thirds of states do not allow the inclusion and deployment under EMAC of nongovernmental ambulance service providers which constitute the majority of available ambulances and personnel. Not including nongovernmental providers under EMAC means that resources from further away will need to be deployed wasting precious time. When nongovernmental ambulance resources are used, many providers report significant delays in getting reimbursed for their costs and many states reimburse below cost. Finally, coordination between the Federal response and the state response is often lacking, with services being deployed to the same location and state EMS coordinating officers unaware of unit availability and location.

The bridge collapse in Minneapolis, Minnesota on August 1, 2007 demonstrated how a strong interstate mutual aid system can work. During rush hour the main spans of the I–35 Bridge collapsed, killing thirteen and injuring one hundred. Immediately after the collapse, mutual aid from the seven closest counties responded and within two hours all patients were transported to local hospitals and trauma centers for treatment. Without a well-coordinated and robust mutual aid system; patient treatment and transport would have been delayed and additional loss of lives possible. Every citizen, in every city and county in the U.S. deserves the quickest and best possible pre-hospital healthcare and a strong Mutual Aid system is one of the ways to insure it.

VI. Further Detail on Recommendations

1. Ensure adequate federal homeland security funding is available to governmental and nongovernmental ambulance service providers for personal protective equipment, training and other resources necessary to support their critical public safety missions.

Many ambulance service personnel that responded to major incidents mentioned in this testimony continue to lack the appropriate personal protective equipment necessary for the environments in which they would be operating in including hazardous scenes and toxic floodwaters. This is a direct result of the lack of federal and state homeland security funding for ambulance service providers. In 2005 and 2006, the Department of Homeland Security reported that emergency medical service providers received only 4% of the homeland security funding distributed to first responders.

To provide an effective response and to protect the health and safety of our personnel, all medics, including those who have the potential to respond in a mutual aid capacity, must be protected. Personnel must have access to and must be trained on the appropriate procedures for use of personal protective equipment that may include tyvec suits, gloves, masks, rescue helmets, bunker gear and bio-hazard storage and disposal equipment. Procedures must be developed to assure access to vaccines and antidotes when necessary. In order for on scene personnel to be effective in the incident command structure, these on scene resources are essential. Ambulance logistics such as refueling, repair and restocking are important considerations as well.

2. Further integrate governmental and nongovernmental ambulance service providers into local, state and federal planning and exercises and require that nongovernmental ambulance service providers be included under appropriate mutual aid agreements such as Emergency Management Agreement Contracts (EMACs).

Ambulance service providers operate at the intersection of the public health, public safety and health care fields, and there is great diversity in the types of providers delivering ambulance services and the designs of those delivery systems. This diversity contributes to the fact that many ambulance services are sometimes excluded from local and state emergency preparedness and response activities. Furthermore, there are compliance issues associated with the general requirements of FEMA to obtain mutual aid agreements prior to an event in order to be eligible for Stafford Act Public Assistance federal disaster reimbursement. Ambulance service providers are not even listed as emergency work under the Stafford Act and thus providers face barriers in being eligible for reimbursement. Ambulance providers respond to mutual aid requests from long distances—including neighboring cities, counties and even states. It is difficult for a local ambulance provider to secure prior mutual aid agreements with every local community that may request services in the future.

3. Strengthen intrastate mutual aid as an essential component of the National Response Framework capability.

Intrastate mutual aid plans need to be strengthened so local communities can reach out to their state when in need of help and so states will have resources organized for sending to neighboring states when requested through EMAC. As recent catastrophes have demonstrated, governmental and nongovernmental ambulance service providers are an essential asset in the evacuation, response and recovery phases of a national disaster. Governmental and nongovernmental ambulance service providers must be fully integrated in the planning, training and exercise activities at the local, state and federal level. State and local EMS officials need to work hand in hand with state and local emergency management officials as well as with their colleagues in the fire service and law enforcement. Practical and integrated systems must be instituted to inventory disaster response assets state by state to streamline and document all mutual aid requests for assistance. As local, regional and state mutual aid plans are strengthened and broadened, the planning process should formalize mutual aid agreements with all potential responders and service providers.

4. Increase access for governmental and nongovernmental ambulance service providers to funding for emergency communications equipment and systems in order to ensure that our systems achieve interoperability with other first responders.

Based on a recent AAA membership survey, AAA members have reported that communications systems and equipment remain a significant operational need. In many communities, ambulance service providers also face challenges obtaining access to radio frequencies. During recent incidents of major consequence, AAA members experienced serious gaps in maintaining communications with incident command authorities.

To ensure that all ambulance service providers can communicate without problem during an incident, two objectives must be met. First, governmental and nongovernmental ambulance service providers must be eligible for grants to assure communications systems support our critical public safety mission. Second, additional spectrum and systems must be made available to government and non-government emergency medical service providers and providers must be involved in the communications interoperability planning activities at the local, state, regional and national level. Studies clearly show the lack of a compatible spectrum as well as a spectrum that is actually available to local emergency responders, including ambulance service providers. Only then will ambulance services providers be able to work efficiently with incident command and other first responders.

VII. Conclusion

In conclusion, ambulance service providers stand ready with our fire and law enforcement colleagues to assist in responding to future catastrophic events. As demonstrated in the response to Hurricanes Katrina and Rita and more recently with the bridge collapse in Minnesota, governmental and non-governmental ambulance service providers are a critical component of the state, local and the national response to catastrophic events. In these types of situations, all ambulance service providers, regardless of provider type or whether the units are emergency or non-emergency, become potential first responders.

To assure the effective involvement of ambulance service providers in mutual aid for emergency response, the following guiding principles should apply:

- Establish funding mechanisms to support and maintain the essential capabilities of all ambulance service providers;
- Require that all states include private ambulance service providers in their Emergency Management Agreement Contracts; and,
- Ensure access for ambulance service providers to interoperability communications equipment and systems.

I again thank Chairman Cuellar, Ranking Member Dent and members of the Subcommittee on Emergency Communications, Preparedness, and Response for the opportunity to testify on this important issue.

I will be more than happy at the appropriate time to answer questions that Subcommittee members have for me.

Thank you.

AMERICAN AMBULANCE ASSOCIATION

Report on the National Ambulance Services Response to Hurricanes Katrina and Rita

Lessons for Building the Surge Capacity of America's Emergency Medical Services Response to National Disasters

Prepared by the 2006 AAA Strategic Organizational Development Committee
May 2006

AMERICAN AMBULANCE ASSOCIATION

11087-004.eps

Introduction

On Monday, August 29, 2005 Hurricane Katrina made landfall on the Gulf Coast states with the greatest impact occurring from the shores of Alabama to the western shores of Louisiana. On Tuesday, August 30, 2005 leadership of the American Ambulance Association (AAA) received a series of phone calls from FEMA requesting assistance from the ambulance service community to respond to the disaster. Over the course of the next few days, AAA staff sent out a series of Calls to Action requesting information from ambulance service providers regarding the number and type of units available for deployment to the Gulf Coast. As hundreds of ambulance service units from around the country responded to the Calls to Action, and prepared for a potential federally directed deployment, many other services self-deployed or were deployed as part of either an Emergency Management Assistance Compact (EMAC) or mutual aid agreement. On Saturday, September 3, 2005, AAA leadership was notified that Federal Emergency Management Administration (FEMA)/General Services Administration (GSA) was prepared to authorize 250 ambulance units to respond to Hurricane Katrina, for a 30 day deployment. Beginning with the closest

ambulance services, ambulances were deployed to the Louisiana Bureau of Emergency Medical Services reporting site in Baton Rouge.

On Wednesday, September 21, 2005 AAA leadership received another call from Department of Health and Human Services regarding a new deployment for 200 ambulance units in preparation for Hurricane Rita. Services were asked to arrive within 12 hours to assist with evacuations of health care facilities. Services reported to Reliant Stadium in Houston, Texas.

A total of 471 ambulance units representing 148 services from 42 states participated in the FEMA/GSA ambulance deployment. Each service individually contracted with GSA before deploying, while the AAA served as an information repository and allocation distributor for the initial deployment.

This massive coordinated ambulance response is one major success story in the overall disaster response to hurricanes Katrina and Rita. The numbers and length of service was unprecedented. There are many lessons to be learned for the future. The AAA conducted a survey of its participating members in order to share information in the development of these important lessons.

The following are the results of a survey sent to ambulance service providers who participated in the deployment. Where possible, results were reported based upon whether the respondent participated in Hurricane Katrina or Hurricane Rita. It includes a series of recommendations based upon the lessons learned from Hurricanes Katrina and Rita.

Survey Respondent Demographics

A total of 86 services responded to the survey:

- 45 deployed to Hurricane Katrina and 41 deployed to Hurricane Rita.
- Units included both Advanced Life Support (ALS) and Basic Life Support (BLS), for a total of 241 units. In addition to ambulance units, a number of services sent 75 support vehicles including, repair, command and general support.
- 550 Paramedics and 266 EMT's were initially deployed to support the 241 units.

11087-005.eps

General Survey Results

Providers were asked a series of questions regarding the deployment and the overall services provided as part of the response for Hurricanes Katrina and Rita.

Crew Schedule

The survey responses were split between shifts of 24 hours and 12 hours on 12 hours off. Most services indicated that after the first week or two of deployment those who were operating 24 hours shifts change to 12 hours on and 12 hours off. A few services worked 16-hour shifts with 8 hours off or other variations. Responses did not vary based upon deployment (Katrina or Rita).

Time deployed

76% of the services were deployed for 30 to 40 days. 14% of the services deployed for two weeks or less and 10% for 40 days or more with 3 services reporting a two month deployment and one service reporting a 41/2 month deployment.

How the Service was deployed

80% of the services were deployed based upon the FEMA/GSA contract. Of the 20% that did not deploy through this method, 20% self deployed and the rest of the services deployed through another request such as EMAC or mutual aid to a Gulf Coast ambulance service provider.

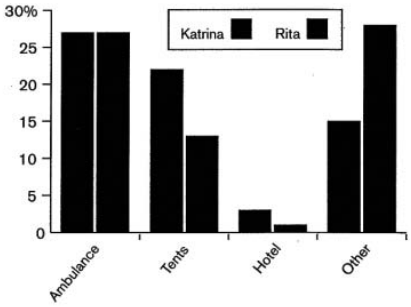
State Notification

79% of the services notified their state emergency officials of their deployment while 21 % did not.

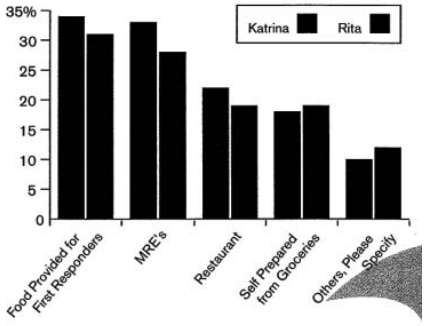
Assignments – Time at Staging Area Prior to Assignment

40% were assigned immediately upon arrival. 39% were assigned within the first 12 hours (many noted that staff needed to be immunized as part of the delay in assignment). 10% were assigned 24 hours or more after arrival to staging area. 10% were assigned prior to arrival at staging area.

What Were Your Accommodations

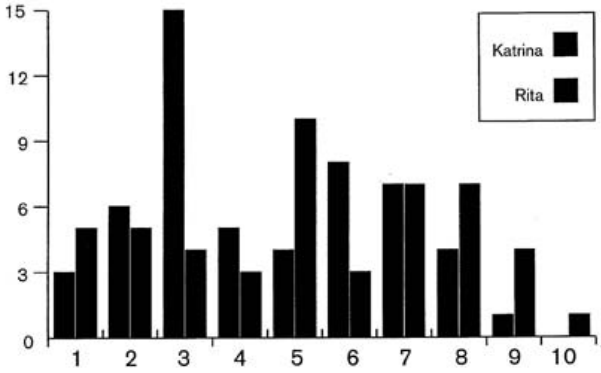


How Did Your Staff Get Fed



11087-006.eps

On a scale of 1 to 10 (10 being the best) how well was the Incident Command System Working



Number of Assignments

Varied in number from 2-3 assignments to hundreds of assignments over the course of the deployment.

911 Service Locations

Respondents to the survey provided 911 services in 32 distinct municipalities.

Transports to Aircraft

40% of those who responded to the survey transported patients to aircraft.

Maximum Distance of Transports

Out of the 84 respondents, 74 noted distances of 70 miles or greater with 60 noting trips of 150 miles or more. 10 respondents noted distances of 50 miles or less.

Down or Idle Time

Results were mixed. About 50% or all respondents noted that they were busy most of the time, with idle time increasing toward the end of their deployments; some however indicated significant downtime from the beginning.

Communications – What Worked

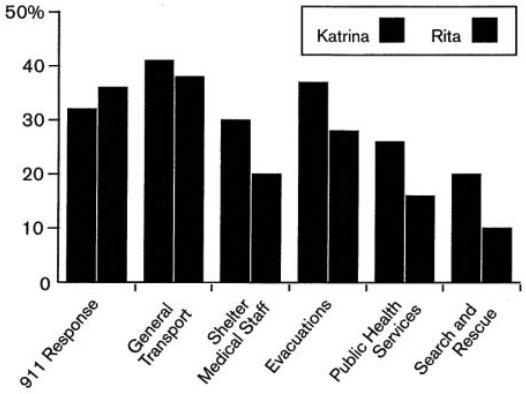
Cell phones (company issued or personal) were the number one form of communication that worked in the field. Only two respondents indicated that they received and used communications equipment distributed on site. Most respondents indicated that they had communications problems.

Did Anyone on Your Staff Get Injured or Become Ill

70% of those who responded indicated that none of their staff became ill or injured during their service. Of the 30 % who indicated either an injury or illness, the results were evenly distributed between upper respiratory infections, gastrointestinal disorders, skin disorders, and minor injuries.

11087-007.eps

Types of Services Provided



Did you have access to appropriate protective measures for your staff?

91% of those who responded indicated that their staff had access to appropriate protective measures.

How did your staff get fuel?

86% of those who responded indicated that they received some fuel from emergency officials; however, at least 76% of those who responded indicated that they augmented by purchasing commercially, or purchased all their fuel commercially.

How were your medical supplies restocked? Were you able to get controlled substances restocked?

61% of those who responded were restocked by emergency officials, 24% by hospitals and 17% by DMAT's. 35% augmented their supplies by purchasing commercially. 70% were unable to get controlled substances restocked.

Did you have adequate security?

79% of those who responded indicated that they had adequate security.

Did you have any equipment losses or damage?

Only 7% of those who responded had significant damage to their vehicles and/or equipment. Anecdotally, some providers noted that their vehicles incurred additional wear and tear due to road conditions and debris.

57% of those who responded indicated that they had some equipment loss or damage (non-vehicle).

11087-008.eps

Were any vehicles damaged or destroyed by:

	Which Hurricane response are you documenting in this survey?	
	Katrina	Rita
Flood waters	6	0
MVC	6	1
Civil unrest	0	0
Other, Please Specify	16	12

Have you ever been compensated for your deployment (as of Dec. 31, 2005)*

	Which Hurricane response are you documenting in this survey?	
	Katrina	Rita
Yes	30	21
No	12	18

Will sort by FEMA/GSA deployment versus others.

* A number of services have indicated that they have received payment after Dec. 31, 2005.

Did your compensation cover your costs?

	Which Hurricane response are you documenting in this survey?	
	Katrina	Rita
Yes	35	33
No	7	6

Did your demobilization go smoothly?

81% of those who responded indicated that their demobilization went smoothly.

Were you involved in transporting or providing services to evacuees as they arrived in your service area? Were you compensated for those activities?

24% of those who responded were involved in transporting or providing services as they arrived in their service area. Less than half of those who did provide this service were compensated.

Have you been compensated for your deployment, as of Dec 31, 2005? Did your compensation cover your costs?

76% of those who responded were deployed through the FEMA/GSA contract and of those 68% had been compensated as of December 31, 2005. 91% of those surveyed who received compensation through the FEMA/GSA contract indicated that the compensation covered costs.

Of the 24% of those who self-deployed or deployed through a method other than FEMA/GSA , 67% had been compensated as of December 31, 2005. 44% of those who surveyed who received compensation through the FEMA/GSA contract indicated that the compensation covered costs.

Summary

Through the AAA, nearly 150 ambulance services deployed close to 500 ambulances and more than 1500 personnel in response to the Federal Governments request for ambulance services to support response and recovery efforts in the disaster stricken Gulf Coast. They provided many necessary services including evacuations, emergency medical care and transport, and public health services. With such a massive effort, we must learn from our experience in order to improve on our capabilities for whatever and wherever the next national disaster occurs.

Report on the National Ambulance Services Response to Hurricanes Katrina and Rita

Lessons Learned Recommendations from the Ambulance Service Responders

1. **Strengthen pre-planning of Ambulance Surge Capacity** – The National Response Plan must include a developed health care surge capacity that includes emergency medical response and evacuation of patients from hospitals, nursing homes and special needs persons. This requires a pre-event organized ambulance component integrated into all aspects of response and include public and non-governmental agencies.
2. **Enhance Training of Ambulance Personnel in Disaster Response** – Training programs, particularly in the Incident Command System and the National Incident Management System and exercises must be ongoing, inclusive and funded for all agencies responsible for emergency response.
3. **Pre-position Ambulance Assets for Evacuation and Emergency Medical Response** – Contracts for the necessary resources needed in national disasters should be in place in advance so that assets needed for disaster response and recovery can be deployed in advance. Both federal contracting with FEMA/GSA and with the EMAC system will be needed and must be coordinated to assure the necessary assets are available to respond when needed. EMAC agreements in states must not exclude the valuable assets of non-governmental ambulance services.
4. **Assure All First Responders Access to Communication Systems** – Relying on cell phones for communications for emergency responders is inadequate in major incidents with a multitude of responders.

Systems put in place to assure interoperability at the disaster arena need to be designed in such a way that all emergency service providers both governmental and non-governmental have the needed access to the system.

5. **Integrate Ambulance Services into the Incident Command System** – Ambulance services must be integrated with the incident command system and represented in the emergency operations center.
6. **Improve On-Scene Logistics** – Medical supply (particularly controlled substances), fleet maintenance, and staff logistical support such as housing are necessary components of pre-planning for ambulance surge capacity.
7. **Fully Utilize Ambulance Service Resources** Due to their mobile nature ambulance service personnel played a multitude of roles in the Katrina and Rita response. These diverse disaster roles need to be recognized, planned for and incorporated in preparedness plans and training.
8. **Close Gaps in Ambulance Service Compensation** – There must be reimbursement mechanisms in place for the various ways ambulances services participate in national disaster response. The Stafford Act should be amended to include ambulance services as Emergency Work. Regulatory barriers or misinterpretations need to be removed that prevent non-governmental ambulance services from participating in EMAC or receive reimbursements as contractors in FEMA reimbursed costs. Finally, services need a clear path for reimbursement for services provide to displaced evacuees.

11087-010.eps

Consensus Report:

EMAC and EMS Resources for National Disaster Response

from the June 20, 2007 EMS Stakeholders Meeting in Arlington, VA

On June 20, 2007, the National Association of State Emergency Medical Services Officials (NASEMSO) and the American Ambulance Association (AAA) held a summit to discuss the use of emergency medical services (EMS) resources during a disaster of national significance. In attendance were various EMS, fire and emergency management national organizations. In addition, the Federal agencies that participated included:
Department of Homeland Security (DHS) Office of Health Affairs, Department of Health and Human Services (HHS) Office of the Assistant Secretary for Preparedness and Response, Federal Emergency Management Agency (FEMA), and the National Highway Traffic Safety Administration (NHTSA) Office of EMS.

After a round table discussion of lessons learned from the response to Hurricanes Katrina and Rita and status updates of EMS response capabilities to incidents of national significance, the assembled stakeholders identified the desired state for EMS national disaster response captured by **" 6 C's"** which enable a robust national response while not disrupting local emergency response capacity:

Coordination
Cooperation
Communication
Common Standards
Continued Operations
Commitment

Coordination
By working together and sharing information a coordinated response maximizes resources while eliminating duplicate resource requests and response. Planning and response is seamless across jurisdictions and disciplines, involving integration of government and non-governmental service providers horizontally and vertically. State/territorial EMS Offices, local EMS Officials and providers must be involved in the planning process to ensure proper funding support for EMS through Federal preparedness grants. Additionally, there must be a plan developed that accounts for the multi-jurisdictional pre-hospital response to a catastrophic incident that considers mutual aid agreements and associated equipment, staff, command and control and non traditional patient movement and transfers. This coordinated process is transparent and there is no competition for the same resources. The National Response Framework (NRF) and the National Incident Management System (NIMS), including the Incident Command System (ICS), form the foundation and the operational guidelines for the coordinated response as disasters are handled first locally with the support of interstate mutual aid (time to execute recall mutual aid agreements with state and local partners) and Federal resources as they are needed and/or requested.

Cooperation
Planning is key to cooperation so that State and Federal resources are complimentary to the local efforts. States, through the Emergency Management Assistance Compact (EMAC), organize resources that include government and non-governmental resources. Planning for critical infrastructure (e.g. hospitals) support is incorporated in the overall resource response plan. Federal disaster assets are organized as backup and supplement local or EMAC resources when they are unable to meet the need. States work together and exercise their EMAC agreements from the receiving and sending position. Professional personnel credentialing, both civil and criminal liability are key issues that remain to be solved. Provider scope of practice and protocol differences highlights the difficulties in coordinating healthcare personnel resources throughout the EMAC system.

Communication
Communication is the sharing and understanding of information between people/responders and their organizations. Open lines of communication exist between all entities involved in disaster response in the pre-disaster phases of planning and exercising. This includes communication across jurisdictions and disciplines. Additionally, leadership of stakeholder organizations promoting the 6 C's of EMS Resources of national disaster response through their organizations. In the operational mode,

communications rely on advanced technologies, including back up systems, with the following features:

- Interoperability using broadband and various gateways
- Redundancy
- Common data dictionary
- AVL/GPS/GIS
- Resource tracking of availability, utilization and accountability

Common Standards

In order to properly coordinate, cooperate and communicate, there are common agreed upon standards that all participating organizations utilize including:

- Data Dictionary-National EMS Information System (NEMSIS) Compliant
- NIMS credentialing and national EMS certification NIMS Resource typing
- Disaster clinical protocols based on a single national EMS scope of practice model
- Self sufficiency
- Accountability
- Equipment, supplies and PPE
- Conduct of personnel
- Standardize Disaster Plans

Continued Operations

Disasters of national significance may require weeks and months of continued operations. There must be systems in place in order for all EMS resources to be used across jurisdiction, both intrastate and interstate, using the National Incident Management System (NIMS) (Res.C1a 1.3.2). In order to sustain operations in the disaster area as well as local emergency response in unaffected areas, the following components help maintain national EMS disaster response at an effective and efficient level:

- Sent resources are self sufficient for a minimum of 72 hours. There is no competition for resources or duplication of requests
- Resource response is measured and in waves
- Regular but flexible resource (personnel and equipment) replacement schedules are utilized
- Mission determines resource need
- Logistical support is planned and resourced adequately

Commitment

Coordination, cooperation, communication, common standards and continued operations are achieved by the commitment of all involved partners. All stakeholders are at the planning table and committed to achieving consensus. Local, tribal, territorial, State and Federal EMS leaders are integrated at every level with Emergency Management leaders and with the Federal agencies responsible for disaster preparedness and response. There are no barriers to participation of any stakeholder agency or organization.

Current Issues

Against this vision of effective national EMS disaster response, the EMS and EM stakeholders identified various areas where improvement is necessary to achieve our maximum effectiveness. Those issues are:

- Coordination and outright competition between states and EMAC and Federal ambulance and shelter contractors, and hospital systems
- Clarity about the Federal support of EMAC as the primary way to provide state resources to a disaster leading to multiple pools of resources
- Assess, categorize and track health and medical resources at the state, regional and local levels including but not limited to trauma centers, burn centers, pediatric facilities, acute care facilities and other specialty facilities (Res. C1a 1.1)
- Due to the current capabilities of our EMS system in meeting the day-to-day operations, a plan needs to be identified for surge capacity at local and state levels.
- A method to prevent over taxing local resources thus degrading local emergencyoperations in areas outside of the disaster zone
- Coordination of resource requests from neighboring states at the same time those states are receiving evacuees
- Standardized credentialing and uniform clinical protocols
- Uniformity and interpretation in how states prepare for and respond to EMAC requests
- Inclusion of State/territorial EMS Offices, local EMS Officials and providers in planning and preparedness activities

- Identification of EMS as a priority in grant guidance
- Air medical resources should be a part of the local, regional and national ICS operations
- Deployment lengths are problematic for physicians, paid personnel, volunteers and their families
- Self sufficiency needs to be fully explained so that it is understood and practiceduniformly
- Requests should be based on mission rather than resource
- Some states do not incorporate nongovernmental resources in their EMAC resource plan
- Preplanning needs to be the foundation for all disaster response not waiting for sequential failure as the trigger for additional resources
- Need to clarify reimbursement through the EMAC process
- Assure that there is an understanding that reimbursement through the EMAC process is between requesting and assisting states
- EMAC reimbursements are slow and cumbersome relying on the receiving state to get funded then reimburse the sending states

Action Items

1. Support the current initiative spearheaded by DHS-OHA, HHS-ASPR and FEMA to develop a single pool of resources and a single resource ordering system accessible by states and the Federal government using NIMS resourced and credentialed EMS resources with standardized reimbursement rates.
2. Support the initiative that all state EMS assets are coordinated by the lead state EMS office
3. NASEMSO, NEMA and EMAC leadership summit to get state EMS officials fully engaged in the EMAC process.
4. Distribute this consensus document to all stakeholders and Federal partners.
5. Collaborate with the ongoing IAFC interstate and intrastate mutual aid project.
6. Support the Federal Interagency Committee on EMS (FICEMS) Technical Working Group (TWG) Preparedness Committee.
7. Support the identification and inclusion of EMS priorities in preparedness grant guidance.
8. State/territorial EMS Offices need to be actively engaged in planning and preparedness activities.
9. Re-convene this stakeholders group in early 2008 to further develop and implement the vision and action plan.

Contact

For more information on this consensus report on EMS resources in national disaster response, contact NASEMSO Program Advisor Leslee Stein-Spencer, *LesleeSS*@aol.com.

Consensus Report Approved by:

American Ambulance Association
American College of Emergency Physicians
Association of Air Medical Services
International Association of Emergency Managers
National Association of EMS Physicians
National Association of Emergency Medical Technicians
National Association of State EMS Officials
National EMS Management Association

G:\nasemso\EMAC EMS\Consensus Report – EMS Disaster Resources FINAL.doc @ 10-18-2007

Mr. CUELLAR. And at this time I thank all the witnesses for their testimony.

Members, as you know, we now have an opportunity to ask the witnesses questions. I will remind each Member that he or she will have 5µminutes each for questions. I will now recognize myself for questions.

Mr. Bourne, talk to me a little about the Canadian fire truck that was responding to a U.S. call that was held up at the border I think it was for about 8 minutes. What can we do to expedite that next time?

11087-11.eps

Mr. BOURNE. I just learned about that just prior to the hearing, Mr. Chairman, and it is certainly something we will look into. It seems to me that there needs to be an accommodation or a plan put in place with our partners at CBP in order to facilitate that type of mutual aid activity. I don't know the specifics of that incident. We will be certainly looking into it.

One of the things that we have done in recent months is increased our planning with CBP on cross-border types of incidents. Much of that work began in earnest with the run-up to Hurricane Dean, especially along the southern border. Obviously on the northern border, our regional offices have been engaged with our Canadian counterparts on mutual aid efforts that are taking place every day.

That particular issue we will have to address directly with CBP and see if we can't come up with a resolution to it which talks about a protocol for who communicates to who that these assets are coming to the border from whichever direction and facilitating them through the border as quickly as possible. And we will get back to you with an answer to the specifics on that.

Mr. CUELLAR. I ask you to do that. Could you tell us how you intend to do that both at the northern and southern border also, and again work with the committee?

Mr. BOURNE. We will do that, sir.

Mr. CUELLAR. Okay. Thank you.

Mr. CUELLAR. Let me ask, I guess, both Chief Westermann and Mr. McPartlon on this issue. Both of you discussed the problems of your members facing reimbursements through EMAC or the Federal reimbursement system that provides assistance through a disaster. There is a time lag on that. And if I can have both of you, first the Chief and then Mr. McPartlon, if you can give us any suggestions on how we can help fix the system to expedite the system.

So, Chief.

Chief Westermann. I think one of the first things—and Mr. Murphy referred to it in his comments by hiring a training person. I think one of the first things is a lack of knowledge on fire service, it has also been mentioned by law enforcement, on the paperwork and exactly what the process is. And with that training person, that will help a lot.

In the California fires, several fire chiefs I talked with, several of the departments, because of the long reimbursement time frame, requested not to go through EMAC. On a wildfire they had the option of going through the National Forest Service in Boise, Idaho, and they went through that process, and their reimbursement is much quicker. So hope that we can compare those two systems and see why that system is a little bit quicker in reimbursement. In the EMAC process, it's more—unless there is money coming from FEMA to the State which is having the disaster and then disbursing it to the locals. So that process needs to be looked at.

Mr. CUELLAR. Okay. Very good.

Mr. MCPARTLON. Our biggest challenge has to deal more with the inclusion of nongovernmental providers in the EMAC program. As I said, 17 States allow participation by nongovernmental providers. The balance of the States do not. It is an interpretative issue based on either State laws that are either silent on the issue

or strictly prohibit the participation. Additionally, I don't think the States have figured out how to make nongovernment assets stay assets. So we need to continue to work on that.

As far as providing assistance in that regard, I think it would be beneficial if we could ask our friends at FEMA to facilitate communication with the States that don't allow nongovernmental providers to participate in EMAC.

Mr. CUELLAR. Okay. Could I have both of you provide some written suggestions on how we could address this again to our committee staff?

Mr. MCPARTLON. Absolutely.

Chief Westermann. I would be happy to.

Mr. CUELLAR. Let me just ask one question and make sure I keep within the time. Mr. Murphy, in your testimony you were talking about the framework, you know, to make sure that we effectively manage resources from all levels of government; make sure that it is defined community, county, State and Federal response plans. To what extent do you believe that the draft National Response Framework addresses resource management?

Mr. MURPHY. Chairman Cuellar, I think it addresses it, and I think it gets into the more specifics in some of the appendixes or annexes that are not in, you know, the initial framework, although that does talk about it, I think, in what I remember reading. And what we are trying to do, and I think we can still work on this, is making sure, you know, part of this whole process of mutual aid is really to make better use of our resources and our tax dollars and, you know, to try and really make sure that everybody has the right resources in the right place, and that includes what you might be able to share, you know, through this EMAC or any type of interstate mutual aid also.

But I think it is something—and I know we have worked with FEMA and the comments and the National Response Framework, you know, emphasizing that, and maybe we need to even make this stronger, because I think, as Chief Westermann said, you know, there is a continuing education process, I think, not only under EMAC, but interstate mutual aid programs, making sure that we have accounted for as many people and as many resources so that we really can take advantage of this to help people when a disaster strikes.

Mr. CUELLAR. Okay. Thank you.

At this time I will recognize the Ranking Member of the subcommittee, the gentleman from Pennsylvania, Mr. Dent for questions.

Mr. DENT. Thank you, Mr. Chairman.

I just wanted to follow up with Mr. McPartlon on the issue that the Chairman just raised with respect to the various ambulance service providers often finding themselves excluded from consideration in mutual aid agreements. I thought I heard you say that part of that reason was because of reimbursement issues. Did I understand that correctly?

Mr. MCPARTLON. They are not excluded from the reimbursement issues. They are excluded from participation.

Mr. DENT. Because of reimbursement issues? I thought I heard that said.

Mr. MCPARTLON. Some States just don't recognize the inclusion of the nongovernmental providers in those contracts.

Mr. DENT. Okay. And why is that? Why do you think that is?

Mr. MCPARTLON. It is my understanding that State laws are either silent on the issue, and the attorney general of that particular State has made a determination that they are not to be included, or they have a State law that prohibits it.

Mr. DENT. So, in other words, they could—a mutual aid agreement would be fine with a publicly owned entity, but not with a service provider?

Mr. MCPARTLON. Under the EMAC, under an EMAC.

Mr. DENT. Have you had any discussions with the Federal Government or other national-level organizations such as NEMA to raise the awareness of this particular problem? Have you had a lot of conversation?

Mr. MCPARTLON. We have. Those are in the works. We are also working with the State EMS officials to resolve this issue.

Mr. DENT. I guess the question is, why would the States recognize these groups? Are there liability questions? Anybody feel free to jump in Marko, if you have any thoughts on this.

Mr. BOURNE. I obviously don't know all the issues that are intended in this, but I do believe some of it comes under whether or not these ambulance services are under contract to local government to perform an emergency service function, whether they are, say, the true third-party EMS provider as opposed to EMS being provided by a fire department or a municipally managed service. And then there are ambulance services that provide transport services that are not necessarily 9–1–1-dispatched kind of services. Part of it becomes when they are not acting under the color of government, they are then in many States by law have to be treated under procurement laws as a contracted vendor, which complicates it for States.

So that is one of the issues that I know interferes with them being directly included automatically when they are technically not acting as the emergency responder for that local government that is sending them, but instead they are acting outside that authority. So that is just one of the issues that I know exists.

Mr. DENT. I know. I guess there are about 17 States that include these nongovernmental ambulance service providers as being eligible. What are those States doing? Why can those 17 States allow you to participate under an EMAC request? Does anybody have any thoughts or comments on that?

Mr. BOURNE. We are not really sure. We would have to look at what the State laws are that are specific to EMAC and the involvement. They may have laws on the books that literally treat them as governmental entities when they are dispatched under EMAC. But my guess is that it probably revolves around theirA-that localA-that for-profit ambulance service or nonprofit ambulance service's relationship to the municipality it is serving and under what—under whose auspices they may be responding under.

Mr. DENT. It sounds like—you are not saying it, but it sounds like there is some liability questions here.

Mr. BOURNE. There is. There is also procurement law issues. Part of this issue—and this was a hearing that we had with you

not that long ago when it talks about private-sector involvement in emergency response activity. We always have to be cognizant of it. At what point do they become a vendor selling a service to the government, any government, and how do we treat them under procurement law? And so there is a balance that has to be understood, especially with entities that are not governmental in nature, but are serving a governmental purpose.

Mr. DENT. Finally to you, Mr. Bourne, Marko. What role, if any, does FEMA play in the development and administration of an intra-state mutual aid agreement? I am not just talking about for fire companies and for ambulance corps, but I have heard about it recently from police departments where there have been some issues coming from counterterrorism people. There were some—and they were legitimate issues—where some local law enforcement could move between counties in my State. What role——

Mr. BOURNE. We don't have the authority to regulate that. We certainly do have the authority to tell them what to do. But what we have provided and continue to provide is model agreements that the State legislatures can pass to address those issues. EMAC has done that as well.

Mr. DENT. Could you share that with my office, particularly as it relates to police service? I have had some issues recently—and I think there is a little bit of frustration, and everybody was acting in good faith, but there were some real constraints that we felt need to be addressed. If you have model legislation, I would really appreciate it if you could get that to me and my staff.

Mr. BOURNE. We do. And at the risk of getting out in front of our friends in Pennsylvania, I have learned that they have actually been working on this issue through both the State fire commissioner and PEMA to actually look at these issues. And I believe they have got something they are going to be rolling out in the next week or two. But we can get the model to you.

Mr. DENT. It came up in the area of police service, not so much in fire service or ambulance. So that would be very, very helpful.

Mr. BOURNE. I would be happy to do that.

Mr. DENT. And I see that I am over my time. And out of respect to the Chairman—he will let me talk, I guess, a while longer. I will yield back to the Chairman at this time. Thank you. This has been very, very helpful.

Thank you, Chairman Cuellar.

Mr. CUELLAR. Thank you very much.

Let me just ask one last question for Major Ronczkowski. I understand your proposal to work in the Law Enforcement Deployment Team, that there is need for a follow-through and sustained involvement. Can you speak a little bit more in detail on the issue of how for law enforcement the mission does not usually end at the scene itself and what that entails?

Mr. RONCZKOWSKI. That is a huge challenge. As we know, during Katrina, for example, there were many deceased people that were out there. Law enforcement could have shown up. It may have been a crime, may not have been a crime, may have been accidental. That requires immediate investigation of a team of personnel, everything from crime scene investigators to the property and evidence custodians. Chain of custody comes into play. And then what

ends up taking place should an arrest transpire is the detention of that individual, whether it is immediately or down the line. All these are going to very much lead up to various court appearances, and as we know with homicide cases or long-term cases, it could be 2, 3, 4, 5 years down the line, whether a warrant has been issued, whether it is an Arthur hearing, various challenges to the detention, the arrest, the apprehension, the training of the personnel. And any good lawyer is going to bring in everybody that was on the scene. So you could be talking to as many as 20 law enforcement officials, fire officials, ambulance; they are all going to be brought back for what may have been a crime scene and an arrest. What is going to take place is we are going to have to go back for depositions, we are going to have to go back for the trial, and right now we do not know of any mechanism that is willing to cover or compensate for that. And depending on the case and the challenges that may take place, you may end up with the leadership of our agencies, even though they were not on the scene, being challenged in court later on down the line in another jurisdiction.

Mr. RONCZKOWSKI. These individuals are going to take a lot of time to go back up to that jurisdiction. You are going to have travel. You are going to have holdover. And in some cases the attorneys are very willing to work with us, giving a specific time to be there. In some other jurisdictions, they want everybody there because they have the subpoena and they have the authority to do so.

We do not have a reimbursement mechanism for that other than out of our own coffers. So generally what will transpire is that will become one of those pieces of the pie that doesn't get reimbursed, doesn't get funded, doesn't even get looked at, because that is after the television cameras have gone away and the news media has forgotten about it unless it is rather significant. And that is a great challenge.

We have got a little bit on the front end should we have a large-scale demonstration or event, whether it is a convention in a jurisdiction or a locale that has maybe a hundred small jurisdictions, but no big one to come together. They may want to reach out within the region to pull personnel in. Again, we don't have a mechanism on the front side to help prevent something from taking place.

A hurricane is a great example. Law enforcement we know is going to be there afterwards. But we have the availability with technology now to know 4, 5µdays in advance to know the storm is coming. We can position our personnel up there.

Stafford Act, if I recall correctly, is limiting to after the event and the declaration of emergency has taken place. Those are the challenges that we are facing within law enforcement. We are willing to go forward to deployment teams.

Sheriff Baca has made it a commitment that it is going to take place in California. We are willing to be a pilot project down in the south Florida region. We have the assets and resources. But we have to be inclusive of everybody. And the only way they are going to do it, honestly, is if they are going to know that reimbursement will be there to make them whole.

Mr. CUELLAR. All right. I understand.

Well, I want to thank all the witnesses at this time. I would also ask you, besides providing the testimony, as you listen to each

other and you heard the different testimony I am sure certain things got you thinking about certain things that might be helpful to us. So, again, if you have any other suggestions, if you want to follow-up again, please present it to us. And we certainly want to follow up with you on this.

I want to thank all of you for your valuable testimony and, of course, the members that were here for their questions. The members of the subcommittee may have additional questions for you; and if we do provide you with those, we ask you to respond to those as quickly as possible in writing.

And, again, hearing no further business, the hearing stands adjourned. Thank you.

[Whereupon, at 4:12 p.m., the subcommittee was adjourned.]

Appendix: Additional Questions and Responses

QUESTION FROM THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

RESPONSES FROM MARKO BOURNE

Question 1.: Mr. Bourne, as you know, FEMA recently signed a three year Memorandum of Understanding with EMAC to work on credentialing and typing, both of which you address in your testimony. Understanding and respecting that EMAC is a State compact, I would like to know how FEMA works with EMAC and the States to ensure a seamless response effort. At times, State mutual aid efforts may be overwhelmed and federal resources must be brought to bear.

How do you work together pre-incident to identify roles and responsibilities?

Please describe to us the level of funding, coordination, and communication between FEMA and EMAC.

Response: The Federal Emergency Management Agency (FEMA) and the National Emergency Management Agency (NEMA) have a long cooperative relationship on resource typing and credentialing that predates the Homeland Security Act of 2002. FEMA actively participates with the Emergency Management Assistance Compact (EMAC) through formal membership on the EMAC Advisory Group and participation at the EMAC Committee meetings. FEMA maintains close routine contact with the EMAC Director, the Policy Advisor to EMAC, the Chair of the EMAC Executive Task Force and the EMAC Committee Chair. The EMAC representatives are actively engaged with the FEMA Resource Typing and Credentialing discipline working groups to ensure the efforts are compliant with EMAC. For example, EMAC has started to develop full mission packages (including estimated daily costs) for the 120 FEMA Typed Resources. Effectively, EMAC has extended the 120 typed resources into fully ready packages that simplify the ordering, deployment, and utilization of the 120 resources. Through the EMAC Memorandum of Understanding and Cooperative Agreement, FEMA is working with EMAC to ensure that National Incident Management System credentialing results in the right persons being granted access at the right time to incident scenes through a valid deployment authorization (which is a properly executed EMAC REG-A form).

Funding for EMAC is an annually negotiated amount, based on the activity and deliverables that NEMA and FEMA agree to. The funding amount for FY 2007 was $1,000,000.

Question 2.: As you highlighted in your testimony, the Implementing the Recommendations of the 9/11 Commission Act provides for a 1 year deadline on standards for credentialing and typing of incident management personnel, emergency response providers and other personnel. This deadline includes that FEMA provide technical assistance and expertise to state and locals.

To date, what type of technical assistance and expertise has been provided to States?

Response: FEMA is providing credentialing guidance and standards to State and local entities. The State and local entities can determine, on a voluntary basis, what responders need to be credentialed for EMAC deployment. Working groups already exist that assess the minimum standard per discipline. With this minimum standard, State and local authorities can identify those personnel and volunteers to be credentialed for EMAC. The Incident Commander at a disaster scene needs to validate a credential and have proof that a responder is requested. The State and/or local authorities issue these credentials for responders. Additionally, the REQ-A, a contract between State Governors, lists the pre-determined State and local disaster personnel so that the Incident Commander will know who should have access to the scene of a disaster.

VerDate Nov 24 2008 10:55 Nov 30, 2009 Jkt 000000 PO 00000 Frm 00061 Fmt 6601 Sfmt 6621 H:\DOCS\110-HRGS\110-87\48982.TXT HSEC PsN: DIANE

States must establish a program that grants authority to agencies, organizations or other entities to issue Qualification Cards for persons meeting credentialing standards to be deployed for interstate mutual aid. Working with EMAC, States will need to be able to provide an inventory of credentialed assets and be able to track availability for deployment.

A standardized system of personnel identification and "skill-set" verification will directly enhance resource sharing and mutual aid throughout the Nation. State and local credentialing efforts support FEMA's National Mutual Aid and Resource Management System to enhance inter and intra-state mutual aid. The establishment of credentialing standards enhances the validation process and management of incident command system (ICS), which is the backbone of NIMS.

Technical assistance and expertise is provided to States by Incident Management Systems Integration (IMSI) of FEMA, an element of the National Integration Center. NIMS Guide 2 (titled National Credentialing Definition and Criteria) issued by IMSI in March, 2007 provides general credentialing guidance to States. The NIMS Credentialing Standards Working Group is in the process of developing additional credentialing guidance for States. We anticipate that this guidance will be released in January 2008. Additional technical assistance and expertise is also provided to States by the FEMA NIMS Coordinators in each of the FEMA regional office. Discipline specific credentialing standards by position can be accessed at *http://www.fema.gov/emergency/nims*. Specific questions regarding State and local credentialing can be directed to the following email address: FEMA–NIMS10@dhs.gov

Question 3.: The Major Cities Chiefs and the Major County Sheriffs have proposed the idea of Law Enforcement Deployment Teams to be sent to areas where there has been a large disaster to help local law enforcement carry out their duties.

What is FEMA's position on the creation of these teams?

What may be the possible challenges to the deployment of the teams?

Response: In 2006 the Senate Committee on Homeland Security and Governmental Affairs concluded that there is a demonstrated need for "a large, well-equipped, and coordinated law enforcement response to maintain or restore civil order after catastrophic events." As was experienced with Hurricane Katrina, such a significant event can effectively eliminate even a State's ability to maintain civil order in all its communities.

The Implementing the Recommendations of the 9/11 Commission Act of 2007 recently established an Office of State and Local Law Enforcement in the Department of Homeland Security that requires the Assistant Secretary leading this office to:

> **[C]onduct, jointly with the Administrator, a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters and report on the results of that study to the appropriate committees of Congress.**

While this study has not been completed, we agree that there is a need to strengthen state to state law enforcement mutual aid capabilities. FEMA believes it is appropriate to leverage existing state to state agreements and infrastructure to complete this mission. FEMA has worked cooperatively with the Major City Police Chiefs (MCC) and Major County Sheriffs (MCS) in the preparation of their report; we will engage national law enforcement leadership, including MCC and MCS in partnership with the Office of State and Local Law Enforcement in the required LEDT study.

Challenges to the deployment of these teams include the significant costs associated with not only deployment, but start up and maintenance costs (including equipment, training, logistics and management). Required law enforcement authorities and policies including powers of arrest and use of force, along with legal liabilities will need to be thoroughly scrutinized. Support for these teams includes not only normal logistical challenges, but includes the challenges associated with prisoners, jails and the courts. Early decisions will need to be made as to whether LEDT should be a federalized resource, working at the direction of and fully supported by DOJ or DHS as sworn federal law enforcement officers, or as a state to state law enforcement resource working at the direction of and fully supported by Governors. In order for LEDT to be effective, typing and credentialing for law enforcement will need significant improvement, requiring national law enforcement community consensus and support.

While there are significant costs associated with a Law Enforcement Deployment Team system, the ability to integrate and leverage the community oriented policing training and experience of over 700,000 state/local police officers at a disaster is a

significant opportunity that can improve our Nation's ability to respond and recover from disaster; the ad hoc and self dispatching of law enforcement as experienced in response to Hurricane Katrina is an unacceptable national policy.

Question 4.: In your testimony you highlight the work of the National Capitol Region on credentialing.

What are the biggest challenges to this pilot and what are the estimated costs associated with credentialing first responders?

How feasible is a future scenario where most communities in the U.S. have credentialed emergency personnel based on a national identification standard?

Response: In fulfilling Federal credentialing requirements implementing the Recommendations of the 9/11 Commission Act of 2007, FEMA will develop a control objective and guidelines by which State and local partners can leverage the Federal government's effort, if they so choose. While there is no requirement for States and localities to credential first responders, many State and local jurisdictions may wish to do so.

With regard specifically to the NCR pilot, one challenge is business rule development related to incorporating credentialing into response and recovery activities. For example, in the event of threat level changes (e.g., Orange to Red), the requirements to validate a responder's credentials could also change, for example becoming more stringent. The NCR pilot is engaged in selected exercises/demonstrations to develop business rules for various scenarios. An additional challenge, which is being addressed by FEMA's National Integration Center, is the need to baseline skill sets. Currently, how one jurisdiction defines an Emergency Medical Technician (EMT), for example, is often different from another. Developing a common approach to defining various skill sets (e.g., hazmat certified fire fighter), or attributes, will allow incident commanders to quickly identify and locate needed resources, thus facilitating response across different jurisdictions.

The feasibility of future scenarios where most communities in the Untied States have credentialed emergency personnel is dependent upon how quickly the credentialing process can be implemented across the nation. Pockets of the nation are further along in the credentialing process than others.

The estimated cost of the NCR pilot (FY 2008) is $1,387,000.

Question 5.: The Washington Military Department in my home state has hosted several meetings with the Emergency Management Directors of the other FEMA Region X states (Alaska, Oregon and Idaho), all of whom are committed to working toward eventual regional contingency planning, capabilities sets, and mutual aid arrangements that can effectively strengthen regional disaster resilience.

My state's Homeland Security Advisor tells me that this kind of planning can substantially reduce the need for federal government assistance in the event of significant state or regional disasters. If states know as an event unfolds exactly what they can rely on their neighbors to provide, their inclination will likely be to look for assistance from that direction.

Beyond a unity of intent, however, little has been done because the states lack the funds necessary to undertake and coordinate the requisite baseline regional planning. **Mr. Bourne, do you think that it makes sense for the federal government and FEMA in particular to provide some modest assistance to states to help facilitate this planning and discussion?**

Response: Incidents typically begin and end locally and are managed on a daily basis at the lowest possible geographical, organizational, and jurisdictional level. However, there are instances in which successful incident management operations depend on the involvement of multiple jurisdictions, levels of government, functional agencies, and/or emergency responder disciplines. These types of incidents require effective and efficient coordination across a broad spectrum of organizations and activities. A regional planning approach (i.e. involving the states of Alaska, Washington, Oregon, and Idaho) that would address capabilities, resources, and mutual aid needs supports the implementation of the National Incident Management System, and would absolutely make sense for the federal government and FEMA to support. One example of how the Federal Emergency Management Agency (FEMA) is supporting this kind of joint, regional planning is through the hiring of Federal Preparedness Coordinators in each of the 10 FEMA Regional Offices. These Coordinators are high-level officials that will be charged with, among other things, facilitating regional planning across their regions with a specific emphasis on identifying regional capability sets and developing regional contingency plans and mutual aid arrangements to strengthen regional disaster resilience. In addition, the FY 2007 U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations (P.L. 110–28) provided $35 million for a Catastrophic Event Plan-

ning Initiative. FEMA will provide these funds and technical assistance to support joint regional planning in and around the Tier I Urban Areas. As you are aware, the recently passed FY 2008 Consolidated Appropriations Act includes an additional $35 million for this purpose. FEMA also allows homeland security grant funding to be used to support these kinds of planning activities in all jurisdictions nationally.

In addition to the CAT planning funds for FY 2007, the following additional grant programs support planning efforts at the state and local level: the Homeland Security Grant Program (HSGP) which consists of the State Homeland Security Program (SHSP), Urban Area Security Initiative (UASI), Law Enforcement Terrorism Prevention Program (LETPP), Citizen Corps Program (CCP) and the Metropolitan Medical Response System (MMRS); Emergency Management Performance Grant Program (EMPG); Public Safety Interoperable Communications Grant Program (PSIC); and the Infrastructure Protection Program (IPP) which consists of the Transit Security Grant Program (TSGP), Port Security Grant Program (PSGP), Intercity Bus Security Grant Program (IBSGP), Trucking Security Grant Program (TSP) and the Buffer Zone Protection Program (BZPP). For FY 2007, the 56 States and Territories have estimated that they intend to use approximately $374 million of their HSGP funding for planning activities.

QUESTIONS FROM THE HONORABLE CHARLES W. DENT, RANKING MEMBER, SUBCOMMITTEE ON EMERGECNY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

RESPONSES FROM MARKO BOURNE

Question 6.: Please provide copies of the model agreements FEMA provides States and localities for their use in developing and implementing mutual aid agreements. In particular, please provide any information that may assist a local community in establishing mutual aid agreements for law enforcement purposes.

Response: Mutual aid agreements and assistance agreements are written or oral agreements made between and among agencies/organizations and jurisdictions that provide a mechanism to quickly obtain emergency assistance in the form of personnel, equipment, materials, and other associated services. The primary objective is to facilitate rapid, short term deployment of emergency support prior to, during, and after an incident. A signed agreement does not obligate the provision or receipt of aid, but rather provides a tool for use should the incident dictate a need. Agreements should include the following elements or provisions:

- definitions of key terms used in the agreement
- roles and responsibilities of individual parties
- procedures for requesting and providing assistance
- procedures, authorities, and rules for payment, reimbursement, and allocation of costs
- notification procedures
- protocols for interoperable communications
- relationships with other agreements among jurisdictions
- workers' compensation
- treatment of liability and immunity
- recognition of qualifications and certifications
- termination clause

Jurisdictions should be party to agreements with the appropriate jurisdictions and organizations (including the private sector and nongovernmental organizations (NGOs), where appropriate) from which they expect to receive, or to which they expect to provide assistance. States should participate in interstate compacts and establish intrastate agreements that encompass all local jurisdictions. Authorized officials from each of the participating jurisdictions and organizations should collectively approve all mutual aid agreements and assistance agreements.

Memorandums of understanding and memorandums of agreement are also needed with the private sector and NGOs—such as community-based and faith-based organizations and national organizations, including the American Red Cross and the Salvation Army to facilitate the timely delivery of assistance during incidents.

The Federal Emergency Management Agency's *IS–706 National Incident Management System (NIMS) Intrastate Mutual Aid—An Introduction* course provides an introduction to NIMS intrastate mutual aid and assistance. Participants learn about the purpose and benefits of mutual aid and assistance. Participants also learn about theμemphasis that NIMS places on mutual aid and assistance. The course explains how to develop mutual aid and assistance agreements and mutual aid operational plans. At the conclusion of this course, participants should be able to:

- Describe the purpose, benefits, and uses of mutual aid and assistance.

- Explain how mutual aid and assistance agreements relate to NIMS.
- Identify what information should be included in a mutual aid and assistance agreement.
- Explain the process for developing mutual aid and assistance agreements.
- Identify the elements of a mutual aid and assistance operational plan.

The primary audience for the course is State, local, and tribal emergency response and coordination personnel. The course takes approximately two and a half hours to complete. The course can be accessed at *http://training.fema.gov/IS/*.

The following mutual aid resources can be found on the FEMA website at *http://www.fema.gov/emergency/nims/rm/ma.shtm*

- Model Intrastate Mutual Aid Legislation
- Model State-County Mutual Aid Deployment Contract
- Model Cooperative Agreements
- Model Mutual Aid Agreements
- Mutual Aid FAQs

Question 7.: One of EMAC's priorities is to develop pre-scripted mission assignments, including personnel and equipment descriptions and cost estimates. Is FEMA involved in the development of these mission assignments? Please discuss how this effort through EMAC may be similar to the pre-scripted mission assignments that FEMA has been working on at the Federal level.

How does FEMA coordinate with EMAC? Is your office the focal point for coordination between EMAC and FEMA?

Response: The Emergency Management Assistance Compact (EMAC) is a mutual aid agreement and partnership administered by the National Emergency Management Association (NEMA) among all 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. Emergency management assistance compacts consist of cooperative mutual aid agreements exercised State to State to facilitate the sharing of critical resources during emergencies and disasters. They can be used to provide capabilities from one EMAC-member to another, as long as there is a state of emergency declared by the Governor of the receiving State. The agreements address operational, policy, legal and financial issues associated with interstate mutual-aid.

The EMAC Committee of NEMA, led by a chairperson, manages and provides overall policy direction for EMAC activities and operations. Because of the EMAC mutual-aid process, requests for assistance are often coordinated between States without any Federal involvement whatsoever. When the capabilities of a State or an assisting State are overwhelmed, Federal coordination and involvement are required. Under such circumstances, Authorized Representatives of the requesting and assisting States join in with the Federal government's response efforts to provide increased capabilities and prevent any duplication of efforts.

When FEMA's National Response Coordination Center (NRCC) and/or the Regional Response Coordination Center (RRCC) are activated to coordinate Federal disaster response and recovery operations, FEMA may request inclusion of a coordination element from EMAC. The EMAC National Coordinating Team (NCT) can then be deployed to the NRCC and their Regional Coordinating Team (RCT) can be deployed to the RRCC to serve as liaisons between FEMA and EMAC. The EMAC NCT and RCT coordinate with all of the deployed EMAC components responding to the disaster and serve as the liaison between the EMAC assistance efforts and the Federally-provided assistance efforts.

FEMA is not directly involved with EMAC in helping them develop their own Mission Assignments (MA)/Pre-Scripted Mission Assignments (PSMA). The term MA has a specific meaning for FEMA and the Federal Departments and Agencies (D/A). 44 CFR, Part 206, provides definitions and general rules pertaining to MAs issued by FEMA. 44 CFR defines a MA as a *"work order issued to a Federal agency by the Regional Director (RD), Associate Director, or Director, directing the completion by that Federal agency of a specified task and citing funding, other managerial controls, and guidance."* [NOTE: The CFR has not been updated to reflect current organizational or position title changes].

Additional related definitions related to FEMA's MAs include:

- **Proposed Statement of Work (PSOW):** A *preliminary* statement of work prepared by an Emergency Support Function (ESF) Primary D/A, prior to a major disaster or emergency. The key components of a PSOW are a scope of work (e.g., specific tasks to be performed, requirements or criteria to be followed) and a projected cost estimate. Preparation of the PSOW is the first step in development of a PSMA.
- **PSMA:** Specific statements of work designed to facilitate assistance between two D/As at the Federal level. PSMAs include a statement of work and pro-

jected cost estimate written, evaluated, and mutually agreed upon by FEMA and the ESF Primary D/A designated in the MA, prior to a major disaster or emergency *(In the case of DoD, PSMAs are coordinated vs. approved).* The PSMA serves as a baseline for developing a tasking to a Federal D/A to meet operational requirements. Essentially, the PSMA is a PSOW that has undergone program, legal, and financial reviews and been accepted by both FEMA and the Primary D/A.

Although FEMA is not really involved in EMAC's PSMA process, the intent of the EMAC process is likely similar to that of the Federal PSMA process in that both serve as a baseline for developing taskings to meet operational requirements, including a scope of work (e.g., specific tasks to be performed, requirements or criteria to be followed) and projected cost estimates.

QUESTIONS FROM THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

RESPONSES FROM JIM MCPARTLON

1. Chief Westermann and Mr. McPartlon, both of your testimonies discuss the problems your members face receiving reimbursement through the EMAC or federal reimbursement systems after they provided assistance during a disaster. You both said it can sometimes take as long as a few month or years for agencies to be paid for the services they provided.

• T3Do you have any suggestions on how we can fix the system?

Response of Mr. McPartlon: The primary reason for the delay in payments to ambulance service providers, and in particular nongovernmental providers, is that ambulance services are not specifically listed as a covered service in the Stafford Act. While the central office at FEMA has issued guidance to FEMA field offices and state homeland security officials that governmental and nongovernmental ambulance service providers are eligible for reimbursement, providers still encounter resistance in being reimbursed. This is because nongovernmental providers must have a local or state government agency submit their claim to FEMA. The state or local government officials do not believe that nongovernmental providers are eligible even when provided documentation by the provider. When seeking clarification from FEMA, there are often times when the FEMA field representative is unaware of the guidance and denies the claim. All of the confusion stems from the fact that ambulance services are not listed as a covered entity in the Stafford Act. My recommendation therefore would be to include "governmental and nongovernmental ambulance services" in the list of service eligible for reimbursement under the Stafford Act. This would address reimbursement problems both when ambulance service providers respond directly to a local federally-declared disaster or through an EMAC.

2. In your testimony you say that almost two-thirds of states do not allow the inclusion and deployment under EMAC of nongovernmental ambulance service providers.

• Why do you believe that more states do not allow the utilization of these resources under EMAC?

Response of Mr. McPartlon:

My understanding of why more states do not allow the utilization of nongovernmental ambulance service providers is twofold. First, the federal language authorizing EMACs does not specifically state that nongovernmental resources may be utilized under an EMAC. Without explicit language to that fact, many state attorneys generals have therefore concluded that nongovernmental resources may not be deployed under an EMAC request. Second, even when state attorneys general determine that nongovernmental resources may be deployed, states often face issues such as liability insurance and whether nongovernmental resources are covered. States therefore decide it best to avoid any potential expose and exclude nongovernmental resources. To resolve this issue, I recommend that the EMAC authorization language be clarified to specifically include nongovernmental resources and that these resources are considered state resources during the deployment to avoid liability issues.

QUESTION FROM THE HONORABLE NORMAN D. DICKS, MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

3. Within your respective jurisdictions and to the extent that regional contingency planning has been done, have you found that a lack of available resources have limited the value of a mutual aid arrangement?

Response of Mr. McPartlon:

I have found that a lack of available resources is not an issue with ambulance services. Nongovernmental ambulance service providers represent the majority of ambulances and medics which are available to respond under any mutual aid arrangement. In response to Hurricanes Katrina and Rita and at the request of FEMA, the AAA coordinated the deployment of over 500 nongovernmental ambulances and crews to the gulf region. The issue, however, is that nongovernmental ambulance service providers are not being utilized effectively. Two-thirds of states do not allow for the deployment under their EMAC of nongovernmental resources. I therefore recommend that the EMAC authorization language be clarified to specifically include nongovernmental resources.

QUESTIONS FROM THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

RESPONSE FROM KENNETH MURPHY

Question 1: In your testimony, you mention that the framework to effectively manage resources from all levels of government is defined in community, county, state and federal response plans.

a. To what extent do you believe the National Response Framework addresses resource management?

b. How does EMAC work with FEMA and the states to ensure that all resources are typed in a way in which they can be effectively shared at the National level?

The current draft of the National Response Plan/Framework does not limit states' ability to request federal support until all mutual aid options are exhausted as previous drafts have included. Resource management is not fully addressed in the National Response Plan/Framework and needs to be a concurrent plan developed in coordination with all of the players at the state, local and federal level in order to be a national resource management plan.

EMAC, as part of our cooperative agreement with FEMA, has completed sixty (60) resource typed mission packages and will complete ninety (90) by May 2008. The mission packages use FEMA NIMS resource typing method and take it to the next level by identifying the missions that package can be deployable for, personnel and equipment needed, limitations, required logistical support, the footprint needed to support, and the estimated cost (minus travel costs) to deploy. Mission packaging will allow assets to not just be deployed more quickly but will also allow resource owners to look at costs, equipment, and personnel needed pre-event. It is thought that the work upfront to identify mission packages will also have a positive outcome on reimbursement when the package is demobilized.

The completed resource typed mission packages are posted to the EMAC Web Site and available publically. Further, NEMA has been working with FEMA to share them with the disciplines and resource typing working groups, and the EMAC Advisory Group. While the job of resource typing and building mission packages resides with the resource owner, the mission packages being developed will serve as a model/template for resources owners.

This initiative is in its infancy and we expect to continue this work through the disciplines and FEMA in the next two to three years assuming continuation of our cooperative agreements and grants.

Question 2.: You should be commended on establishing the EMAC Advisory Group that is working to integrate partners before a disaster or attack happens. From your testimony, I understand you are discussing issues such as resource typing, mission packages, and deployment issues in the meetings.

a. How is information being shared on group activities with the States and localities? What is the end goal of the Advisory Group, to issue recommendations, develop a baseline of best practices for typing and packages?

Thank you for recognizing the importance of the EMAC Advisory Committee. We are very proud to be able to pull stakeholders into the policy discussions and development as EMAC tries to expand information on how the EMAC system works and how state and local governments and various disciplines can utilize the system.

The mission of the EMAC Advisory Group is to facilitate the effective integration of multi-discipline emergency response and recovery assets for nation-wide mutual aid through the Emergency Management Assistance Compact. To accomplish this mission we have focused on three goals: 1) Promote a better understanding of EMAC for multi-discipline emergency response and recovery entities, and mutual aid partners; 2) Create a forum for mutual aid stakeholders to provide input and

feedback to NEMA to enhance mutual aid through EMAC; and 3) Advance inter and intra state mutual aid.

Information is being shared on the Advisory Committee through the members of the Committee reporting back to their national associations. For example, the National League of Cities representative shares the information back with members of the National League of Cities. This also opens doors for future EMAC training with these partners, as was the case with a national State Municipal League meeting last summer in which EMAC coordinated a session on the EMAC system.

The disciplines and practitioners are the resource owners. To make deployments of resources more effective and efficient, resource typed mission packaging must be developed using uniform verbiage.

In addition to resource typing and mission package development we have been working with the disciplines to develop discipline specific "tip sheets" and an "EMAC Deployment Brochure" that can be handed out at meetings and conferences to give the disciplines a better understanding of mutual aid, EMAC, and how to effectively and efficiently deploy during an event. We have also been working on credentialing and helping disciplines to better understand the professional standards and site credentialing issues. Another more recent outcome from the EMAC Advisory Group is the development of law enforcement rapid response teams underway with Major City Chiefs Association and Major County Sheriffs' Association that would be deployable under EMAC.

Question 3.: As the Administrator for EMAC—please explain to us the NEMA staffing and financial resources committed to the mission so far.

a. Are the staffing needs adequate?

b. Are the information technology systems able to support the current and future missions?

c. Understanding the EMAC program is authorized for more money than appropriated, what could additional dollars provide for EMAC?

EMAC recently received a $1.005 million grant from FEMA to continue operations in June 2007 through May 2008. Prior to that, EMAC was funded in FY 2002 with $2.1 million that kept the system operating until the recent influx of funding. We currently have two full time staff members dedicated to running the EMAC system and to providing training, a senior advisor, a technology consultant, and part-time assistance shared with other NEMA staff. Currently, the staffing needs are within our funding levels, however increases would be necessary to better support of state operations and exercises, better coordination with federal agencies during events and exercises, and the Congressional mandates for resource typing and credentialing in future years.

The current information technology systems are sufficient to address current and future missions, but we need out year support to sustain at the current level and to continue to maintain system integrity in conjunction other technologies.

EMAC funding at the authorized level is *critical* to the sustainment of the program and enhancing the EMAC systems and operations. Funding EMAC also helps leverage federal dollars for building state operations and to help other states through other grant programs like the Emergency Management Performance Grant. Administrative support for the compact, operations enhancement, and training are key initiatives that would be addressed with the full authorized funding level.

Question 4.: EMAC has grown considerably since the mid-1990s—what are the requirements for a State or territory to belong to EMAC?

State legislative approval is required for a state to become a party to EMAC. Currently, all fifty states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam are parties to EMAC.

a. How has the growth in the size of EMAC changes the way business is done?

The growth of EMAC, and the development of one uniform system by which all disciplines may be deployed through the state emergency management agency, has resulted in a number of changes. A few of these are highlighted below:1. NEMA established an EMAC Committee, allowing the state directors become more engaged in the policies, procedures, and work elements. The EMAC Subcommittee under the Response and Recovery Committee of NEMA has been renamed the EMAC Executive Task Force with direct reporting to the EMAC Committee. One state emergency management person from each FEMA region serves on the EMAC Executive Task Force and reports back to their region:

2. The development of the EMAC Advisory Group to engage with the disciplines and bring together state emergency management with response and recovery elements:

3. Modernize the EMAC Operations System whereby states manage EMAC operations:
4. Providing more guidance to the disciplines on how to become more engaged in intra and inter state mutual aid: and
5. Addition of full time staffing to maintain the system, the policies and procedures, coordination, incorporate lessons learned, training and education.

b. Has EMAC been able to keep up with the members, the requests for assistance and the reimbursements?

EMAC has been able to keep up the members (thanks to funding from FEMA) and has been able to facilitate the requests for assistance.

Reimbursement packages from Assisting States are sent to Requesting States for payment. These are not processed by NEMA staff but by the states. Political jurisdictions in the states deployed under EMAC send their reimbursement packages to the state emergency management agencies where they are audited and then send to the Requesting State for audit and reimbursement against the original mission order and any amendments.

Question 5.: Chief Westerman and Mr. McParlton, both of your testimonies discuss the problems members face receiving reimbursement through the EMAC or federal reimbursement systems after they provided assistance during a disaster. You both said it can sometimes take as long as a few months or years for agencies to be paid for the services they provided.

a. Do you have any suggestions on how we can fix the system?

We have requested that Immediate Needs Funding be granted to states that are impacted to quickly pay EMAC mission costs based on contracts, not FEMA Public Assistance guidelines.

b. Mr. Murphy, what is EMAC doing to fix this problem?

We have been working on through the development of resource typed mission packages to work on knowing upfront mission costs and better dissemination of reimbursement guidelines to all political jurisdictions to assist the states with reimbursement. Providing an accurate cost estimate upfront on the mission will allow for better reimbursement packages received by the Requesting State. Further, we are working with the disciplines and the EMAC Advisory Group, and EMAC leadership to share information before deployments on what is reimbursable and what is not reimbursable.

Question 6.: In your testimony, you say that almost two-thirds of states do not allow the inclusion and deployment under EMAC of non-governmental service providers.

a. Why do you believe that more states do not allow the utilization of these resources under EMAC?

State laws and regulations may prevent fronting costs for non-public resources deployed through mutual aid agreements. These may not be exclusive to EMAC alone and may involve all mutual aid deployments. Additionally, states may prefer to exhaust their own state and local assets before including non-public assets. NEMA developed, in 2004 a Model Interstate Mutual Aid model that states may be able to use, if state law allows, to further the deployment of non-traditional assets under EMAC.

b. Mr. Murphy, as a state emergency management, can you comment on what some states would not utilize non-governmental ambulance services as part of EMAC?

State laws and regulations may prevent fronting costs for non-public resources deployed through mutual aid agreements.

QUESTIONS FROM THE HONORABLE NORMAN D. DICKS, MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

RESPONSES FROM KENNETH MURPHY

Question 7.: With your respective jurisdictions and to the extent that regional contingency planning has been done, have you found that a lack of available resources have limited the value of a mutual aid agreement?

No, in Oregon and nationally regional planning has enabled us to better identify assets and resources that can be brought to bear in a disaster before the disaster actually occurs. We are getting better at knowing who has assets, expertise and resources through planning initiatives and regional efforts such as the Pacific Northwest Economic Region and national exercises like TOPOFF. EMAC expands authority and leverages more resources during a disaster. The federal dollars invested in capacity for states are leveraged during an event because assets can move under

EMAC to respond to other states in need. Further integration of EMAC into national exercises will allow us to realize the assets the nation can share during a real event.

QUESTION FROM THE HONORABLE CHARLES W. DENT, RANKING MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

RESPONSE FROM KENNETH MURPHY

Does the State of Oregon include private ambulance service providers in its mutual aid agreements? Why or why not?

Part I—A state might not include a private or non-profit simply because the entity in question does not have in their operating procedures or contract the legal authority to allow for mutual aid. I believe that through the proper legal review and collaboration that any operating procedures or contractual language can be overcome. It simply would need to be on a case-by-case basis.

From your perspective, why might a State not include private or non-governmental emergency service providers in mutual aid agreements such as EMAC?

Part II—EMAC is a state-to-state agreement and it leaves the decisions on provider participation to states. State laws and regulations may prevent fronting costs for non-public resources deployed through mutual aid agreements. These may not be exclusive to EMAC alone and may involve all mutual aid deployments. Additionally, states may prefer to exhaust their own state and local assets before including non-public assets.

Question 8.: Several provide organization have proposed putting together a business equivalent of a mutual aid agreement, referred to as BEMAC. **How is NEMA involved in the business community's effort to develop such as agreement? Would a formal agreement among businesses and governments for emergency response be beneficial?**

NEMA is working closely with partners at the US Chamber of Commerce and Business Executives for National Security (BENS). Meetings with BENS, the US Chamber of Commerce, and private sector participants resulted in matching private sector assets with state emergency management agencies over the development of a BEMAC.

State laws and regulations may prevent the fronting of costs for non-public resources and may impact infringing on competition and bidding laws for contracts. The NEMA Legal Committee and BENS has been exploring the legal hindrances between both public and private sector.

We have been working to match private sector and state emergency management agencies pre-event to determine in essence resource typed mission packages that the private sector could develop for states that could be quickly deployed upon the signature of a contract (much like signing a mission order except the private sector company is directly engaged with the entity that would need the resource. This would solve the need for having to upfront costs by the public sector and allow the resource to get to the impacted area more efficiently and effectively by pre-determining needs.

NEMA held two private sector/state emergency management workshops at the 2007 Annual Conference in Oklahoma City, OK to directly connect state emergency management directors with the resources they may need during an event.

Question 9.: One issue this Committee has been focused on is interoperable communications. **How is NEMA involved in supporting the efforts of state and local governments to achieve interoperable communications? Does EMAC include any guidance to States regarding interoperability to help ensure that States providing assistance through EMAC can communicate effectively with the emergency response officials they are assisting?**

NEMA has been supportive of Congressional and Administration initiatives to develop interoperable communications grants programs to state and local governments. The system developed can be leveraged by states in need during disasters through EMAC, thus increasing the value of investments made. EMAC does not have a specific recommendation on how to achieve interoperability, but mission packages help facilitate matching the needs of the requesting state with the systems available through assisting states. We try to share information as much as possible on what kind of communications equipment and systems are being used so assisting states are prepared. However, once assets are deployed, under command and control, they have to follow the state procedures in the state they are assisting.

Question 10.: We often hear about mutual aid channels for voice communication during disasters. **Would you please explain how these channels work and their effectiveness during emergencies?**

EMAC is not specifically involved in developing mutual aid channels. EMAC has been used to re-route 911 call centers during Hurricane Katrina to provide a backstop for states that experienced complete losses of communications. EMAC is currently working with the Association of Public Communications Officials and the National Emergency Number Association to prepare a plan to assist in the movement of call centers and/or personnel in the future that includes 911 and poison control.

QUESTIONS FROM THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

RESPONSES FROM MAJOR MICHAEL RONCZKOWSKI

Question 1.: To what extent has the Miami-Dade Police Department contributed equipment, personnel and resources to other States through EMAC and to your knowledge, how often have you been on the receiving end of such resources?

The Miami-Dade Police Department (MDPD) has not received direct support from the Emergency Management Assistance Compact (EMAC). As a Department we have responded to multiple counties during 2004 and 2005. This request for support came via the Miami-Dade Emergency Operations Center (EOC) and the State EOC. We always utilized FEMA tracking / mission numbers that were provided via the EOCs.

In-state support included:

- St Lucie County (Main Area of Support)
- Escambia County (Pensacola -Pan Handle) Lee County Charlotte County Desoto County Hillsborough County Polk County Hardee County

Out-of-state support included:

Mississippi (Hurricane Katrina support)

Louisiana (Hurricane Katrina support)

—relief supplies and escort for supplies were the main missions

Support included MDPD personnel who assisted with recovery efforts, traffic control and search rescue efforts (checking damaged homes for injured persons). We also provided law enforcement and fire personnel with tools and equipment to secure their homes so that they can focus on the mission of restoring order and assisting the citizens in their respective jurisdiction.

2. Please highlight the law enforcement capabilities and skill sets that may be needed during a disaster or incident that would demand personnel from a force outside of a particular State's jurisdiction?

Quite often agencies that are struck with a disaster lack the necessary resources to address the situation in a sustained fashion. Whether they themselves are among the victims or they do not have the personnel to meet the needs of the situation, no one agency can generally have ample personnel allocations to address every scenario. By combining resources, personnel with specialized skill sets can be pooled and leveraged to meet the demands of virtually any disaster, without draining the resources of any one jurisdiction or region. As an example, a natural disaster such as a hurricane can devastate physically and resource wise a entire region of one state. Therefore, leveraging law enforcement resources following FEMA's 10 regions gives teams the ability to address multiple areas or events.

Team Size

It is recommended that no single team will be comprised of more than 500 personnel, recognizing that at any given time not all members will be deployable. Any larger and the teams could constitute a burden on local law enforcement agencies. The emphasis is on developing scalable and flexible teams, enabling specific assets to be deployed to meet the need of the incident commander. Teams can be deployed independently or in concert with other teams so that a tailored solution is provided to the on-site incident commander.

Team Capabilities

The emphasis is on providing law enforcement capabilities to an incident commander so that civil order can be restored and maintained. Accordingly, each team will also have advanced or specialty skills based on the capabilities of the participating agencies and the need of the region. Teams will be all-hazards and multidisciplinary and comprised of highly skilled officers cross trained in various specialties. The intent is to provide a broad range of skill sets deployable in a scalable and flexible manner, deployable in a modular fashion. The incident commander can then

identify the specific resources gaps and the National Team Coordinator, part of the DHS Office of State and Local Law Enforcement, would then be able to deploy a comprehensive package that meets the needs on the ground.

Graphic #1 identifies the core, advanced and specialty capabilities that each team, and the system as a whole, should comprise. These capabilities can be deployed in their entirety or modularly. It is the intent that only the necessary components are deployed.

GRAPHIC #1: TEAM CAPABILITIES

Capabilities	***Skill Sets***
Core Capabilities	
Traditional Law enforcement	General public safety and law enforcement
Crowd and riot control	Crowd management and dispersal
Canine Teams	Narcotics, cadaver and explosive detection
Intelligence collection and analysis	Covert surveillance, information and intelligence analysis
Investigation Teams	Criminal investigation, e.g. robbery, homicide, etc.
Custody Teams	Jail operations and detainment
Infrastructure vulnerability assessment	Critical infrastructure vulnerability assessment
Maritime security and rescue	water patrol and rescue
Advance Teams	Incident assessment and operations planning
Incident Management	Operations support and planning
Logistics support	Equipment and supply management
Advanced Capabilities	
Special weapons and tactics	SWAT/Tactical Teams
Arson/Explosives investigations	Arson and explosives investigation
Hazardous Materials identification and handling	HAZMAT teams
Aviation support	Aerial patrol, rescue, tactical support and heavy lift support
Hostage negotiation	Hostage negotiators
Mounted Teams	Equestrian crowd/riot control
Bicycle Teams	Area patrol and crowd control
Motorcycle Teams	Area patrol and crowd control
Public Safety Dive Teams	Water rescue, area security, and vulnerability assessment.

Teams would have the ability to deploy with an incident management capability if needed. After Katrina, some responding agencies were given a designated area of operations to provide all law and order support. Accordingly, team incident management capability would deploy to a specified geographic region designated by the Incident Commander and establish command and control. If the incident management capability is not needed, other team capabilities could be deployed and organized under the Incident Commander. As required, the incident management capability

could also be deployed independent other team capabilities to support the primary Incident Commander.

Another key component of the team program is the inclusion of Advance Teams that would collect information and intelligence from the incident site. This approach enables the Incident Commander and National Team Coordinator to continuously adjust the deployment of team resources as the environment and mission changes. Each region should have a primary and secondary advance team designated in advance capable of immediate deployment.

As with any operation, it is also necessary to have personnel to provide critical logistics support through the mobilization (preparing to deploy), operations (onsite support of team activities) and demobilization (return to home agencies and state of readiness) phases.

• Are you working with EMAC to identify a breakdown of these skill sets?

Yes, the Major Cities Chief's Association (MCC) has been working with EMAC and DHS personnel to identify skills and resource typing. EMAC has also developed a law enforcement resource check list.

Primary skill sets would be focused on restoring civil order; these skill sets have been defined by the National Incident Management System (NIMS) resource typing project, which has recently developed a "patrol operations" type. Law enforcement, primarily Major Cities Chiefs, has been working closely with EMAC since Katrina. MCC is a member of the EMAC Advisory Group, and in conjunction with EMAC and NEMA, recently completed a nearly year-long project to identify critical issues that could hinder the rapid deployment of state and local officers to disaster scenes across state lines. A copy of that checklist is also attached for your review. MCC views the relationship with EMAC as positive, healthy, and valuable.

3. Understanding your proposal and work on Law Enforcement Deployment Teams—can you speak in more detail about the issue of how for law enforcement the "mission" does not usually end at the scene itself—there is a need for follow through and sustained involvement.

• Is there a funding stream available for reimbursement for reoccurring costs such as court appearances and depositions?

No particular funding stream is in place to cover this issue. As in all other costs of EMAC deployments it is the responsibility of the receiving state to reimburse the sending state in a manner negotiated in the REQ-A.

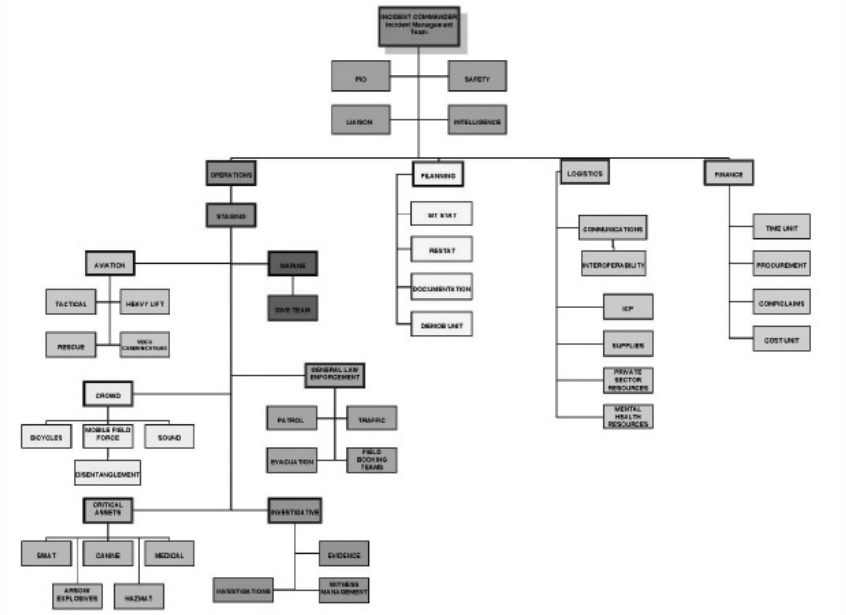
All 50 states have a varying degree of legal systems and existing law enforcement contracts. Reoccurring expenses will not be limited to a specific time frame due to the aforementioned and may last weeks or even years after the initial law enforcement encounter or action. Depending on an agency size, there may be situations that will require an agency to pay for backfilling a position should an employee be required to attend court in another jurisdiction for an extended period of time. There is a need for an independent fiscal mechanism to enable agencies to become whole when providing assistance as part of the proposed teams.

The team composition is predicated upon the participating personnel responding with full law enforcement authorities. Should a law enforcement member initiate or participate in an arrest or other legal action, there is a likelihood that they will be required to attend various legal or court related matters while under subpoena. These events usually take place weeks, or longer, after the initial encounter. Failure of law enforcement personnel to attend the proceedings can place the case at hand in legal jeopardy or be dismissed. Quite often, every officer, beyond the arresting official, that partakes in a legal event such as an arrest will be subpoenaed and demanded to appear. Without the backfilling of positions at the local level, when the requested officer responds back to appear for a court proceeding, will create a possible scenario where the jurisdiction will be not be able to address the needs of their home jurisdiction.

The issue of after-action court appearances and costs is one that MCC and EMAC wrestled with throughout the process of creating the Law Enforcement (LE) checklist. After many discussions, the Legal Counsels for both EMAC and MCC agreed to this general language as the best method of addressing the issue, recognizing that the legal systems in all states are different, and that more specific language could be counterproductive by facilitating the process in one state while hindering it in another. All felt that the best way to deal with the issue is to call attention to it, and to leave it as the subject of bilateral negotiations between the sending and receiving states involved.

4. The proposal for Law Enforcement Deployment Teams is embraced by the Major Cities Chiefs and the Mayor County Sheriffs.

Recognizing this how do you envision the proposed make up of these teams?



A national team program can provide reliable, scalable and consistent support. Organization is paramount following a major incident and a national team system would provide a **professional and coordinated** law enforcement response. Although some law enforcement agencies have been on the forefront of developing deployable teams, incident commanders have largely been subject to ad hoc support. A national team system not only standardizes the law enforcement specific capabilities, equipment and training, but also standardizes the assistance request process for law enforcement support. Incident commanders will know that what they request will arrive as advertised and will operate consistent with the Incident Command System (ICS).

Regional Framework

A national team system should be decentralized and based on a regional framework. Using the ten (10) FEMA regions provides a solid foundation. Each region will have multiple scalable teams and the number of teams per region will vary based on participation and need. Each team would be self-sufficient, capable of sustained operations for no more than 14 days. The general consensus was that longer deployments would create prolonged stress for team members.

• **Would smaller law enforcement agencies participate and allocate resources?**

Yes, every local, county and state law enforcement agency, regardless of size, will be encouraged to participate at all levels.

We see the teams forming around a "center of gravity" agency—a major city police department or a major county sheriff's department large enough to absorb the administrative burden of supporting and managing the team. The team itself will be modular and scalable, drawing personnel from literally dozens of law enforcement organizations surrounding the organizing entity. Smaller departments could contribute a unit as small as a squad—5 officers and a supervisor. Larger agencies could supply more. In this manner, many can participate without drawing down "home" personnel to the point where public safety in the contributing community might be adversely impacted. It would be the responsibility of the organizing entity—the "center of gravity" department—to pull these diverse units together for training that will permit them to operate as a cohesive force.

11087.003.eps

QUESTIONS FROM THE HONORABLE NORMAN D. DICKS, MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

Question 5.: Within your respective jurisdictions and to the extent regional contingency planning has been done, have you found that a lack of available resources have limited the value of a mutual aid arrangement?

Response: No. Many states have robust intrastate mutual aid agreements in place, and others are now beginning to look at this on a more regional basis.

QUESTIONS FROM THE HONORABLE CHARLES W. DENT, RANKING MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

Question 6.: Chief Westermann from the International Association of Fire Chiefs (IAFC) discussed efforts underway to develop intra-state mutual aid agreement across the country. Does the law enforcement community have similar mutual aid agreements at the *intra*-state level?

Yes, many law enforcement agencies enter into intra-county and intra-state mutual aid agreements as well as memorandums of understanding, depending on the degree or complexity of the situation that is to be addressed. The degree of authority or responsibility may also vary from agreement to agreement.

Question 7.: To the best of your knowledge, how is the law enforcement community involved in efforts being led by FEMA and NEMA to develop standards and guidelines for resource typing and credentialing personnel?

Law enforcement officials have been active in committees such as the DHS Law Enforcement Resource Typing and Credentialing Committee, which is supervised by the NIMS Integration Center. While this effort has been productive, much is still on the table in the typing arena. The Committee is just beginning to look at the credentialing issue. The NIC has been working hard to produce uniform national standards for credentialing, but as the Committee is aware, it is a very complex problem.

QUESTIONS FROM THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

RESPONSES FROM P. WESTERMANN

Question 1.: Chief Westermann and Mr. McPartlon, both of your testimonies discuss the problems your members face receiving reimbursement through the EMAC or federal reimbursement systems after they provided assistance during a disaster. You both said it can sometimes take as long as a few months or years for agencies to be paid for the services they provided.

Do you have any suggestions on how we can fix the system?

Response: Under the current system, local fire departments that send resources to aid requesting states must bear all of the initial costs incurred. Significant delays in reimbursement can cause severe financial strain for the fire departments that provided assistance to other jurisdictions in need. It is critical to remove such impediments to timely reimbursement, so that financial concerns will not serve as a future disincentive for providing mutual aid.

Although limited steps have been taken by FEMA to address barriers relating to timely reimbursement following disasters, problems remain which negatively impact the reimbursement process for directly affected jurisdictions as well as responding states providing aid. The entire review process is extremely cumbersome and has not been modernized to support a robust mutual aid system. Additionally, administrative rulings have been applied inconsistently, which adds uncertainty to the process.

To resolve these problems, we make the following recommendations:

• At the federal level, additional training is needed for all FEMA personnel, including temporary Disaster Assistance Employees. More training and internal agreement within FEMA regarding administrative rules would alleviate the inconsistent application of rulings. The IAFC is hopeful that the FEMA reform legislation enacted by Congress in the "Homeland Security Appropriations Act of 2007" (P.L. 109–295), which included human capital provisions intended to improve the skills and competencies of the FEMA workforce, will begin to address this issue.

• More clear guidance regarding the reimbursement application process should also be provided by FEMA to state and local communities. At a minimum, such guidance should include updated and accurate information on the FEMA website regarding the application process and rules.

• The use of the EMAC Request for Assistance (Req-A) forms, which are used to officially request assistance, offer assistance, and accept assistance between states, should be better incorporated into the FEMA reimbursement process in cases where mutual aid has been provided.

• Some FEMA regional offices have begun to take a more proactive approach toward resolving reimbursement concerns, including diligence in monitoring the reimbursement process for states within that FEMA region and closely coordinating activities with FEMA headquarters and other regions. The IAFC encourages all FEMA regions to adopt a proactive approach to mutual aid reimbursement.

• Some states have developed pre-planned requests and response frameworks, including a fee schedule with advanced cost computations. These pre-staged requests can be quickly activated and are intended to reduce the administrative time needed to summon or receive assistance in the event of a disaster. Such plans should be further developed by participating states, and all states should be encouraged to develop similar plans.

We encourage Congress to continue to review this issue and work with FEMA to resolve inefficiencies in the mutual aid reimbursement process where possible.

Question 2.: Chief Westermann, in your testimony you say that the IAFC is working on developing a plan for a National Mutual Aid System for the fire service.

• **How would this system fit into the EMAC system?**

• **Should each discipline set up their own national mutual aid system?**

Response: The IAFC National Mutual Aid project uses EMAC as the foundation for moving resources across state lines. The IAFC's project primarily involves ESF–4 (Firefighting), but has direct application to other emergency functions. Since a majority of fire departments also handle EMS, hazardous materials response, technical rescue, water rescue, and communications, there is a pressing need to develop operational plans that mirror each other, so the training required for all other functions is maximized.

We also encourage all other disciplines for primary and secondary responders to follow a similar format. In doing so, each discipline would not necessarily need a separate national mutual aid system, but would have the operational plans in place if such a need exists. However, EMAC should continue to provide the form and structure for mutual aid requests.

Question 3.: Chief Westermann, how has recent legislation that Congress has passed (the 9/11 Commission Implementation Bill and the Post-Katrina Reform Bill) improved the nation's mutual aid capabilities?

Response: Both the "Implementing Recommendations of the 9/11 Commission Act of 2007" (P.L. 110–53) and the "Fiscal Year (FY) 2007 Department of Homeland Security Appropriations Act" (P.L.109–295) contained provisions that are important for enhanced mutual aid. The FEMA reform provisions in the FY 2007 DHS Appropriations Act support an increased capacity for regional response by enhancing FEMA regional offices that can coordinate with state, local, and tribal governments to foster mutual aid agreements and promote a regional response to disasters. The FEMA reform legislation also included human capital provisions intended to improve the skills and competencies of the FEMA workforce. Increased training for the FEMA workforce will allow greater guidance and consistency from the agency in its interactions with state and local governments.

In addition, the 9/11 Commission Implementation Act authorizes the development of standards for resource typing and personnel credentialing within one year of the law's enactment. This measure will create a common definition of assets and skills across regions, fostering a more seamless response when resources and personnel are deployed to a disaster scene from other areas. The law includes technical assistance to states to adopt these standards.

Both of these bills will enhance the national mutual aid system through increased regional cooperation, a common definition of the assets and personnel that can be deployed for mutual aid, and improved skills and competencies of FEMA personnel.

QUESTIONS FROM THE HONORABLE NORMAN D. DICKS, MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

Question 4.: Within your respective jurisdictions and to the extent that regional contingency planning has been done, have you found that a lack of available resources have limited the value of a mutual aid arrangement?

Response: A robust mutual aid system is critical precisely because local and state resources can be overwhelmed in their ability to respond to disasters and emergencies. The mutual aid system is designed to be scalable and flexible enough to expand until resource needs are met. However, additional resources would be ex-

tremely beneficial in enhancing capacity building for first responders, particularly at a time when the responsibilities and requirements of first responders have grown to meet increasing homeland security and emergency management needs. Through the mutual aid system, the value of additional resource investments in preparedness and response capabilities is multiplied. Increased funding for FIRE, SAFER, and other homeland security grant programs improves training and resources available for use in mutual aid.

QUESTIONS FROM THE HONORABLE CHARLES W. DENT, RANKING MEMBER, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

Question 5.: Please discuss why you believe private ambulance service providers are not always included in intra- or inter-state mutual aid agreements? Aside from issues such as reimbursement and liability, what other factors might affect a State's decision whether to deploy non-governmental service providers to an emergency in another State?

Response: There are a number of factors which may influence a state's decision to include private ambulance service providers in operational plans. In cases where private ambulance service providers are not directly affiliated with a local fire department, they are typically under a contract structure that may be outside the scope of local emergency plans. The contracts often require minimum response capabilities to be maintained at all times. In cases where private ambulance service providers meet, but do not greatly exceed these readiness levels, the private ambulance company may not have the resources to meet mutual aid commitments outside their contracts.

In some areas, private ambulance service providers are primarily used for transportation and basic life support purposes, and may lack the advanced level of training and exercising necessary to respond to mass casualty events.

The IAFC encourages states to ensure all ESF–8 (Health & Medical) resources operating within the state are included and utilized to the extent possible in the state operational plan.

Question 6.: In your written testimony you mention that IAFC is leveraging its relationships with State fire chiefs associations as it helps develop strong intra-state mutual aid agreements. **Do the State fire chiefs associations encompass all fire services across a State or is it also necessary to utilize other means of reaching out to fire stations? How do IAFC's efforts to develop intra-state agreements differ in areas that are predominantly rural or have volunteer—as opposed to career—fire services?**

Response: State fire chiefs associations encompass a large number of departments within a given state. However, not all states have a state fire chiefs association. In these cases, the IAFC has been able to work with other overarching entities, such as the State Fire Commissioner or State Office of Homeland Security, to accomplish completion of an intra-state mutual aid plan. When a state plan is developed, it provides every fire department with the same process to summon and receive resources, regardless of whether they are association members or not.

The IAFC understands that rural America has different needs than suburban or urban areas. In rural areas, the numbers of personnel and equipment available at any given time may fluctuate, which reinforces the need for mutual aid.

Question 7.: The State of California is known as having one of the strongest intra-state mutual aid systems within the fire service. Were there any lessons learned from the recent wildfires in Southern California that may assist other States as they develop and strengthen their own response capabilities?

Response: My testimony noted that the state of California has built an effective state mutual aid plan that serves as a model for other states. California's mutual aid system consists of five escalating organizational levels that can be activated as necessary. My testimony noted in detail other factors critical to a strong mutual aid system, including a strong incident command system which allows multi-agency resources to operate under a common organizational structure; a single statewide recognized list of resources, as well as a system for ordering and tracking resources; an effective interoperable communications system; a statewide standard for the credentialing of personnel; a comprehensive compensation and reimbursement plan; articles of agreement that address issues relating to liability, workers' compensation, and dispute resolution; and a recognition of the need to maintain optimal functioning of equipment.

The fall 2007 wildfires demonstrated the strength of California's mutual aid system. At the height of the fire siege, over 13,000 firefighters and roughly 1,500 engines were deployed to combat the fires in southern California. A majority of these

resources came from within the state of California, with additional firefighting resources provided by other western states.

As I mentioned in my testimony, it is important that fire stations that provide mutual aid are reimbursed in a timely manner. Reimbursement can take months or years through the EMAC or federal reimbursement systems, causing significant financial distress on local fire departments who were simply trying to help their neighbors. In the recent California wildland fires, some out-of-state fire stations expressed concern about the delay in being reimbursed.

California has assembled a Blue Ribbon Commission to fully examine the 2007 wildland fire season. When the Commission's report is completed, it will provide a more rigorous assessment and the opportunity to benefit from lessons learned.

Again, I would like to thank you for the Committee's thoughtful attention to improving the mutual aid system, which is a critical element of emergency response.