

Mutual aid during disasters: EMAC is reaching out to public works

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In the aftermath of disasters, public works officials often call upon their colleagues in neighboring communities for help in managing emergency conditions and initiating recovery activities. This process of “mutual aid” is becoming increasingly formalized at the metropolitan and state level with the introduction of the National Incident Management System (NIMS) and other incentives for resource typing, resource sharing and interjurisdictional cooperation.

But what happens if disaster conditions are so widespread that neighboring communities within the state are unable to provide needed mutual aid resources? Can public works departments and agencies access assistance from public works organizations in neighboring states? What is the process for doing this, and who pays for the costs associated with deploying people, equipment and supplies from one state to another in the aftermath of disasters?

Following Hurricanes Katrina and Rita in 2005, disaster impacts were so broad that intrastate mutual aid agreements, where they existed, were not able to meet the needs. Local jurisdictions turned to their counterparts in other states for help. Unfortunately, many of the organizations of local government with emergency response and recovery responsibilities, including fire, law enforcement, emergency medical

services and public works, experienced difficulties either in their ability to access out-of-state assistance or in navigating the complex rules related to reimbursement for expenses that were incurred.

Interstate mutual aid for response to disasters is provided for under the Emergency Management Assistance Compact, or EMAC for short. EMAC is a national-level Governor’s interstate mutual aid compact which facilitates the sharing of resources, personnel and equipment across state lines during times of disaster and emergency. EMAC has been formalized by state law enacted in all 50 states and the District of Columbia and has been ratified by Congress as required by Federal law. EMAC has been endorsed by the National Governor’s Association (NGA) and the Federal Emergency Management Agency (FEMA) as the basis for state-to-state mutual aid in disasters.

EMAC was developed by and is managed by the National Emergency Management Association (NEMA), the national association comprised principally of state emergency management organizations. Day-to-day operations are guided by an Executive Task Force that is staffed by personnel from one of the member states of NEMA on a rotating basis.

EMAC has four key provisions which provide the basis for effective and efficient sharing of resources between member states during times of disaster or emergency:

1. The state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state;
2. Licenses, certificates, or other permits...shall be deemed licensed, certified, or permitted by the state requesting assistance;
3. Employees...rendering aid...shall be considered agents of the requesting state for tort liability and immunity purposes; and
4. Any party state rendering aid...shall be reimbursed by the party state (i.e., requesting state) receiving aid for any loss or damage to or expense incurred. It is impor-



Cape San Bais, Gulf County, FL, 8-31-05: Crews make emergency repairs to this damaged road after Hurricane Katrina washed away a rock sea wall that was built to protect it. Credit: Marvin Nauman/FEMA

tant to note that the requesting state under EMAC is responsible for reimbursing all costs and expenses associated with assistance rendered by a providing state, including the expenses of any local government assets that are provided (for the purposes of EMAC, local government assets, including employees, can be considered “state” resources and made available to other states as a result of requests made through EMAC). The good news, therefore, is that if a public works department responds to a request for assistance that comes through the EMAC system, they will be assured of being reimbursed for any expenses they incur. On the other hand, if a local jurisdiction places a request for assistance through EMAC, that local jurisdiction will almost certainly be responsible for any costs or expenses associated with the provision of that assistance. If the assistance is provided in conjunction with a disaster or emergency declared by the President, FEMA can reimburse any costs or expenses that are deemed eligible under their programs, subject to applicable cost-sharing requirements.

In the aftermath of Hurricanes Katrina and Rita nearly 66,000 personnel were deployed to Florida, Louisiana, Mississippi, Alabama and Texas from almost every other state at an estimated cost of some \$830 million. While this unprecedented level of state-to-state mutual aid was considered hugely successful, NEMA nevertheless recognized that more attention should be given to the ability of EMAC to support the movement of local and county government-owned resources (as opposed to state-level resources) to support local and county departments and agencies in the impacted states. For a variety of reasons, EMAC was deemed not responsive by many local officials, including public works officials, in communities in Mississippi and Louisiana.

To address concerns raised by APWA and other organizations about the effectiveness of EMAC in meeting the needs of local jurisdictions, NEMA has created an EMAC Advisory Group. NEMA invited a broad cross-section of stakeholder organizations to be members of the Advisory Group, including:

- Adjutants Generals Association of the United States
- American Public Works Association
- Association of State and Territorial Health Officials
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- Major Cities Police Chiefs Association
- National Association of County and City Health Officials

- National Sheriffs Association
- National Association of State EMS Officials

The goals of the Advisory Group are threefold:

1. Promote a better understanding and execution of EMAC for multidisciplinary emergency response and recovery entities and mutual aid partners;
2. Create a forum for mutual aid stakeholders to provide input and feedback to enhance mutual aid through EMAC; and
3. Advance interstate and intrastate mutual aid.

The creation of the Advisory Group presents an opportunity for APWA to present our issues, positions, resource capabilities and requirements about interstate mutual aid in the context of EMAC, to share information with and solicit feedback from the APWA membership on EMAC-related issues, and to share situational awareness and address EMAC implementation issues in real time during disasters.

The creation of the Advisory Group is an indication that NEMA is clearly interested in the views of APWA and other organizations as to how the EMAC process can be modified and improved to make it more responsive to the needs of local public works departments.

While the Advisory Group has just gotten underway, there are three initiatives we can undertake to improve our ability to work within the context of EMAC. First, public works officials should become familiar with their state EMAC contact and determine what procedures their state has in place to allow local jurisdictions to access out-of-state mutual aid through EMAC. The EMAC contact will most likely be the director of the state emergency management agency or his or her designee. Second, we should continue efforts that are ongoing to develop resource typing and regional/intrastate mutual aid agreements for public works assets (both equipment and personnel). Without resource typing and mutual agreements at the state level, it will be very difficult to be a “providing state” under EMAC. Finally, during the coming year, the Emergency Management Committee will be undertaking a number of activities to expand educational opportunities and solicit feedback regarding EMAC and the role it can play in helping public works agencies in times of disaster.

If you are interested in additional information about the EMAC Advisory Group or EMAC in general, or would like to provide feedback regarding your experiences with interstate mutual aid (either receiving or providing), please do not hesitate to contact me at lzensinger@dewberry.com.

