

Philadelphia and Pennsylvania: Emergency Preparedness Five Years after 9/11

by James F. Powers Jr.

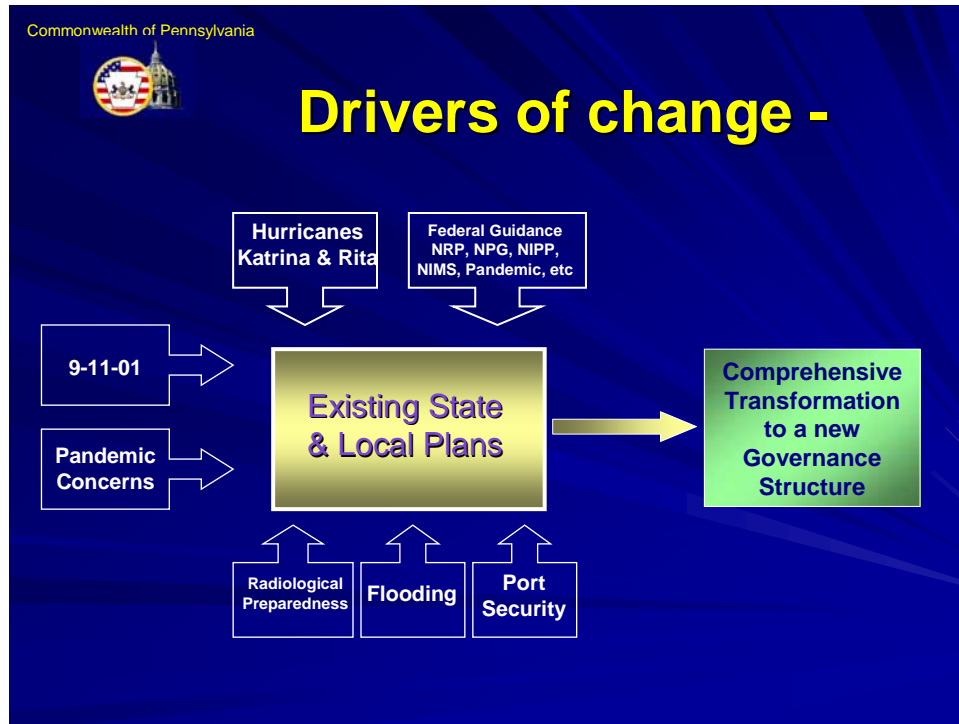
Colonel James F. Powers (U.S. Army, Retired) is the Director of Homeland Security for the Commonwealth of Pennsylvania, the nation's 6th most populous state comprising 67 counties and over 2500 municipalities. He was formerly a special operations consultant with KWG Consulting of Waterford, Virginia; an adjunct Faculty Instructor with the U.S. Army War College, Carlisle Barracks, PA; and a Senior Fellow with the Joint Special Operations University, U.S. Special Operations Command. This e-note is based on his presentation at "Five Years After 9/11: What Needs to Be Done?" a conference sponsored by FPRI's Center on Terrorism, Counterterrorism, and Homeland Security, held December 4-5, 2006 in Philadelphia.

My presentation covers how the homeland security initiatives begun after 9/11 are working here in Pennsylvania. In order to understand where we are, one must understand from where we came. I'm going to proceed from an overview of the federal level down to the state level and municipality level. Because what happens at the state level is in large measure a function of what the federal statutes allow us to do. Beyond that, the Commonwealth statutes provide the boundaries for our actions.

Federal Level

Before 9/11, there was no U.S. Department of Homeland Security, no state Homeland Security Advisers, no federal funding for state and local government homeland security strategies, and no homeland security threat levels. Interoperable communications was not a realistic, obtainable goal. Emergency preparedness at the state level referred primarily to law enforcement and emergency fire and medical response. Pennsylvania had Regional Counterterrorism Task Forces, but these *ad hoc* task forces focused primarily on response measures.

Most Americans were aware of terrorism on U.S. soil from the Oklahoma City bombing in 1995 and the World Trade Center bombing in 1993. The terrorists that perpetrated the 1993 bombing conducted some of their training in Pennsylvania's own Perry County. Pennsylvania had experienced major disasters and other emergencies--Three Mile Island, annual flooding, etc.--but there was still no thought that we were in danger. Of course we should have seen the handwriting on the wall in 1972 with the Munich Olympics, because that's really where modern-day terrorism as we know it started. But in fact, it goes back even further than that to the Palestinian-Israeli conflict in the early 1920s and 40s.



The events of 9/11 changed the way we plan for and govern emergency preparedness today. Up until then, our state and local plans, our emergency operations plans, were basically focused on response and recovery. We had local first responders - fire, police, and emergency medical service - whose job was to respond to emergencies. Our mindset was mostly in the react mode, because there was no real reason to be proactive. We were doing okay.

But 9/11, pandemic flu, and disease concerns, Hurricanes Katrina and Rita, port security issues, etc. were drivers of change that made us look at everything else. Unlike the federal DHS, the Commonwealth did not create an Office of Homeland Security and roll 22 agencies underneath it. When we formed our office in Pennsylvania, the Pennsylvania Emergency Management Agency (PEMA) remained a separate agency reporting to the Lieutenant Governor. The Department of Health was still there, the Pennsylvania State Police remains its own entity as do other agencies and departments. The Commonwealth realized that addressing contemporary terrorism-related problems did not necessarily equate to changing the entire structure.

Commonwealth of Pennsylvania



The Federal Level

Legislation, Directives, Plans & Programs:

- The USA PATRIOT Act of 2001
- The Homeland Security Act of 2002
- The National Preparedness Goal (NPG)
- The National Response Plan (NRP)
- The National Incident Management System (NIMS)
- The National Infrastructure Protection Plan (NIPP)
- The HHS Pandemic Influenza Plan
- Homeland Security Grant Program

At the federal level, the USA PATRIOT Act of 2001 passed shortly after 9/11 really started things moving. (First we had the USA Act, then the PATRIOT Act; they were rolled together into USA PATRIOT Act.) The name is in upper-case because it's a backronym – a phrase created from a single chosen word. In this case, it was a phrase: USA PATRIOT. Its creators meant to send a strong message, as the individual words testify: The **U**niting and **S**trengthening **A**merica by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism Act.

The USA PATRIOT Act includes a lot of contentious issues. One of them is the sneak-and-peek aspect, which some take to mean that the federal government can even investigate your library records. This is probably the one aspect people talk about the most. But it's really not that way. Section 215 of the Act allows federal agents to obtain warrants in secret from the U.S. Foreign Intelligence Surveillance Court – not a typical magistrate - for library or bookstore records of anyone connected to an investigation of international terrorism or spying. On its face, the section does not even refer to “libraries,” but rather to business records and other tangible items in general.

Next, the Homeland Security Act of 2002 established the Department of Homeland Security and its structure. And from that act the Secretary of Homeland Security provided the nation with a National Preparedness Goal (NPG) and the National Response Plan.

Through a series of Homeland Security Presidential Directives, President Bush directed Secretary Michael Chertoff to define the critical infrastructure and key resources of our nation: those pieces of infrastructure that, if compromised, would present real damage to the defense, economic, communications, finance, and transportation systems of our

country.


The NPG established four pillars--prevent, protect, respond and recover. From this new direction evolved the requirement for a National Incident Management System – a master command and control system facilitating management of all emergencies, not just terrorist related. It set the tone for an All-Hazards approach to addressing and resolving emergencies, regardless of the nature.

Previously, the states handled things on their own. If our state got in trouble, we would only go to the federal government if we couldn't handle it ourselves - we had to request that support. Thus NIMS gave us an overarching management system in case the federal government had to come in and assume control of operations. The President wanted to insure that all states, counties, and municipalities across the land were on the same page.

Then we received the National Response Plan (NRP) and the National Infrastructure Protection Plan (NIPP). The NIPP provided us with a national model of analyzing the tasks associated with the four pillars of prevent, protect, respond and recover from terrorist attacks, major disasters and other emergencies. It also provided insight regarding how the federal government conducts Risk Analysis – that is, assessing vulnerability, weighing the threat, and then assessing the consequences if the particular infrastructure is damaged or destroyed. Nationally, many sites are on the list, which is reviewed annually. Some may be deleted, some added, and some amended. It's all a function of triage, of what the threat level is against this type of target, the vulnerability of this type of target, and the consequences if this particular piece of infrastructure is taken out, whether it's money and banking, environmental protection, health, transportation, or government or commercial facilities related.

We also now have the Health and Human Services Pandemic Influenza Plan and the Homeland Security Grant Program, whereby all the cities in the United States are eligible in some way to receive grant money to protect their critical infrastructure, key resources, and significant special events. The grant money does not go to a particular commercial, private sector site. In Pennsylvania it has to go through the regional task forces, which are run by PEMA, and the local first responders. If approved at the state level for funding, the money goes to the local first responders - fire, police and medical - to facilitate protection and incident response. That may be, from a law-enforcement standpoint, security cameras. It may be concrete/steel blockades, anti-intrusion devices. or physical devices to search people such as those the TSA uses when you enter the sterile zone in an airport. The money cannot go to a civilian, private-sector institution itself. It goes to first responders for equipment, plans, exercises, and training required for that particular site.

Commonwealth of Pennsylvania



National Preparedness Goal

Planning Scenarios

- 15 National Planning Scenarios highlight the scope, magnitude and complexity of plausible catastrophic terrorist attacks, disasters, and other emergencies

Universal Task List (UTL)

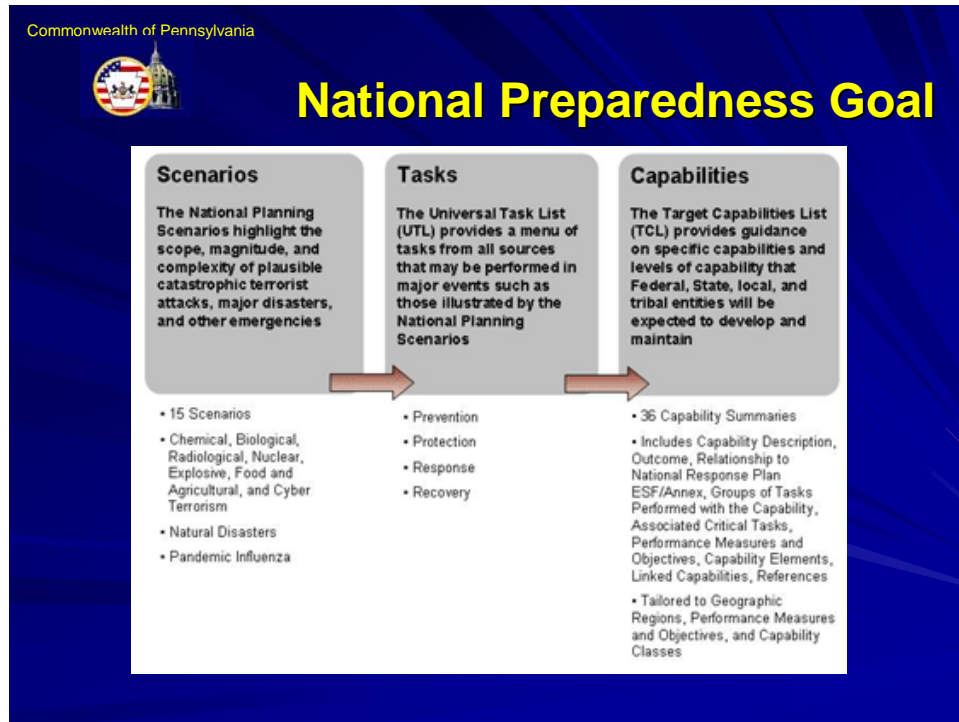
- The UTL provides a menu of tasks that may be performed in major events such as those illustrated by the National Planning Scenarios

Capabilities List

- The Target Capabilities List (TCL) identifies 36 core capabilities that federal, State, local and tribal entities will be expected to develop and maintain.

The National Preparedness Goal is designed to give everybody a shared goal. Preparedness is a shared responsibility, something we all have to buy into. This is not your grandmother's emergency management anymore; we all have a piece of this. The world changed for us on 9/11, and we have a whole new landscape. The terrorists brought the battle to us, making Pennsylvania a battle space.


To visualize the four pillars of the NPG, picture a building. The roof is **Preparedness** supported by four pillars: **Prevention, Protection, Response, and Recovery**. In Homeland Security Presidential Directive 5 as part of the NPG and the NRP, the President noted that homeland security comprises terrorist acts, major disasters, and other emergencies.



The Universal Task List of all these scenarios helps us to figure out whether we are prepared to respond to this type of scenario, this type of pandemic, this type of earthquake, etc. We're the most flood-prone state in the continental United States, and face this scenario every year. Every June, we have big floods, just like we had this year. And every time we have a big hurricane, we get flooded. Every time we have bad weather, we get flooded. So we're somewhat used to this sort of thing. The Universal Task List lists the hundreds of tasks that somebody has thought of - most of which are implied - that you would have to do to be able to support all these scenarios.

Finally, the Target Capabilities List (TCL) provides guidance on specific capabilities that have to be developed.

Commonwealth of Pennsylvania



National Preparedness Goal

7 National Priorities

- Implement the National Incident Management System (NIMS) and National Response Plan (NRP)
- Expand regional collaboration
- Implement the National Infrastructure Protection Plan (NIPP)
- Strengthen information sharing and collaboration capabilities
- Strengthen Interoperable communications capabilities
- Strengthen Chemical, Biological, Radiological, Nuclear, and Explosive Detection, Response and Decontamination Capabilities
- Strengthen Medical Surge and Mass Prophylaxis Capabilities

Of the seven national priorities that came out of the National Response Plan, the key one for my office is “Implement the National Infrastructure Protection Plan.” The other ones are also important, and they're all part and parcel of that one.

We talked earlier about the NIMS providing a nationwide command and control system for reporting and sharing information about incidents. If the federal government has to come in to assume control of the operation, it has been monitoring the problem all along. The NIPP is the federal plan – and the Secretary of Homeland Security is the designee – to identify and prioritize critical infrastructure, key resources, and significant special events. It requires the support and assistance of the states in order to work efficiently.

On December 2, 2006, within the Commonwealth, there was probably no greater significant special event than the Army-Navy football game. A football game may not strike many people as a very significant event. However, there's the symbolism of two military educational institutions responsible for growing tomorrow's military leaders. And it's usually attended by the Chairman of the Joint Chiefs of Staff, the service chiefs, members of the Supreme Court, and sometimes the President of the United States. What a great symbolic target that might be to some.

On that particular day in the Commonwealth, the game became a very important piece of infrastructure for us. The security precautions put in place by the city of Philadelphia were enormous, involving the city's Joint Terrorism Task Force, the FBI, and all the intelligence agencies they are tied into. There were all kinds of detection devices, including air sniffers to detect any type of chemical, biological, radiological, and nuclear material. This is what we do in my office on a daily basis.

The President knew it was going to be too much for the states to take on all these homeland security initiatives with a series of unfunded mandates. So the Grant Program helps all the people who need to do something to preserve critical infrastructure and key resources without unduly taxing the people of the Commonwealth. We don't as a rule use our general government operating money for any of these projects. This is all federal Homeland Security grant money. The governor has charged me with making sure that we leverage the federal grant program for all its possibilities before we have to go into the Commonwealth GGO funds. We have to leverage every dime that we can through the federal system to get money to protect your assets without taxing Commonwealth citizens.

Commonwealth level



In our Commonwealth, the governor decided not to reorganize the whole Commonwealth just because DHS brought 22 agencies underneath it. “If it ain’t broke, don’t fix it.” We’re addressing the problems using our current organization.

So for the first pillar, *Prevention*, we assigned lead agency responsibility to the Pennsylvania State Police (we don't have a separate state bureau of investigation; PSP fulfills that responsibility.) So they provide the *de facto* Intelligence Center for the Commonwealth. They have to detect, deter, collect and synthesize information, derive actionable intelligence, disseminate it to the user/stakeholder, and monitor it. They have permission to establish and operate our Information Fusion Center, which is underway. More important, and particularly noteworthy, is the fact that they have done this out of pocket; we have not received approval to use federal grant money to establish the

robust, all-hazards information fusion center we need.

Colonel Jeff Miller, Commissioner of the PSP, has taken the people out of his own manpower complement, with no augmentation, to build what we have now. He has formed the Pennsylvania Criminal Intelligence Center (PaCIC), which is going to be transformed over the next three to five years into a full-fledged information fusion center. The State Police are in touch with all the law-enforcement people one would expect--INTERPOL, FBI, surrounding states, and the federal Joint Terrorism Task Forces in both Pittsburgh and Philadelphia.

On *Protection*, my office's mission is to identify critical infrastructure, key resources, and significant special events throughout the Commonwealth, determine with the State Police the threat and vulnerability of each, assess with the municipalities and counties the consequences of damage or destruction, develop strategies to mitigate risk, and monitor continuously to determine when adjustments need to be made. All this requires partnering and coordinating with public officials and private sector owner/operators at every level of government that are in charge of those specific sections of infrastructure: agriculture, commercial and government facilities, energy and environment, public health, and transportation.

We partner with the Commonwealth agencies charged with those five sectors. Their sector-specific working groups assess all sites throughout the Commonwealth using the metrics established by the DHS.

And the mission for PEMA, the Pennsylvania Emergency Management Agency, has not changed regarding Response & Recovery. Most response is at the local level. (Remember, Pennsylvania has three levels of government, unlike other states. There are only four commonwealths, but not all the commonwealths are the same. We've got municipalities, counties, and then of course the state level of government. In Pennsylvania, all the power – by design - is pushed down to the lowest level.)



One of the problems that we recognized and are currently dealing with is a comprehensive Intra-State Mutual Aid Agreement. Mutual aid as it exists within the municipalities means that if you are a volunteer fireman or emergency medical services provider, you can go anywhere you want to and render lifesaving aid or do fire suppression. If you are employed by a municipality as a fireman, law enforcement officer, or emergency services provider, you deploy where your municipality authorizes you to deploy. In times of a governor-declared emergency, municipal first responders may be deployed across the state to render response.

But what happens when a disaster has not been declared, when there is an emergency in the next township or county and their responders need assistance? Surely there's no problem lending a hand to help a neighbor--or is there? "There's a fire across the street. I'd like to go. I've got all the equipment. I'm trained to handle this. I've got the people." Not so fast.

If you deploy into another municipality, where there is no mutual aid agreement in place to handle workers' compensation claims, and you are hurt in the performance of your duties during a deployment that is not under a disaster declaration – you are on your own to handle work-related injuries. Many municipalities have also experienced this dilemma and have adjusted their strategies and funding to accommodate the needs of nearby municipalities. But others have not, because they are not required to do so. So there are pros and cons to power being pushed to the lowest level of government. At the state level, want to resolve this issue for the good of the Commonwealth. When an emergency arises we want to be able to deploy the closest, most appropriate asset to render aid and not worry about who will pay for workers' compensation.

Do those in Philadelphia County want to pay for things that are required by Greene County alone? No, and likewise, what's good for Philadelphia County may not be viewed the same by the people of Cumberland County. But looking after only your own needs has a price. So, we try to make it work the best way we can in spite of the actors, factors, and constraints.

Every good idea and every great program has a cost. Protecting our Commonwealth is no different, because every program, project, and decision is a function of money, right down to the common security issues. So we try to derive the best course of action affecting the greatest number of people using the minimum number of assets at a cost we think will be supported by the populace.