



Lending a helping hand

States with statewide, cross-discipline mutual aid agreements

Model legislation helps local governments aid each other in emergencies

BY AMY C. HUGHES

While terrorism remains a prominent focus of homeland security, natural disasters are by far the most frequent, costly and life-threatening hazards facing the nation today. Preparing for and responding to wildfires, severe snow and ice storms, earthquakes, mudslides and floods, as well as terrorist attacks, often requires neighboring local jurisdictions to cooperate and share resources. Time and again, the merit of mutual aid among governments has proven its worth in these situations.

Building upon the success of an existing state-to-state mutual aid system, the National Emergency Management Association (NEMA) has released Model Intrastate Mutual Aid Legislation to help states develop or refine statewide mutual aid agreements for their local jurisdictions.

Through the *National Strategy on Homeland Security*, the Department of Homeland Security placed a new focus on state and local mutual aid as a key to the nation's emergency response capabilities for all hazards, man-made or natural. The National Incident Management System, currently being developed by the department, provides an operational framework for the response by federal, state and local agencies. This system

emphasizes mutual aid as an indispensable tool for the swift and coordinated response to disasters of all kinds.

While states already depend heavily on the interstate Emergency Management Assistance Compact (EMAC), mutual aid among local jurisdictions is a patchwork of informal agreements. Many of these agreements do not address key issues such as liability, reimbursement or compensation, and are not cross-discipline. Having mutual aid agreements in place is essential to moving assets effectively between local jurisdictions and across state lines; and having the right agreement in place can prevent problems before, during and after the disaster occurs.

Model agreement

Through a grant awarded to NEMA by the Federal Emergency Management Agency, a working group of state emergency management professionals was formed to draft a model agreement that could be used to develop a statewide mutual aid compact for local jurisdictions. "Intrastate mutual aid continues the time-honored American tradition of neighbors helping neighbors," said Dr. Terry Egan, chair of EMAC and leader of the working group that drafted the language. A multi-discipline review group was selected to ensure many voices from across the emergency services and public safety fields were included.

The working group based the model agreement on several basic components it identified in other successful mutual aid compacts and best practices from around the nation.

- **A broad definition of emergency responders.** Emergency personnel from many disciplines may need to respond to a disaster, including those outside of the traditional definition of a first responder (fire, police and Emergency Medical Service personnel). The model language provides for a broad definition of a person or profession that may be needed in a response:

“An emergency responder is defined as anyone with special skills, qualifications, training, knowledge and experience in the public or private sectors that would be beneficial to a participating political subdivision in response to a locally declared emergency as defined in any applicable law or ordinance.”

This broad language allows jurisdictions to call upon a wide variety of personnel or services that may be critical to the incident.

- **The option to exit out of the agreement.** Most states have several hundred municipalities and other jurisdictions within their borders. Basing the agreement on an “opt-in” basis, whereby jurisdictions must sign on before the agreement is applicable, could take years and states may never achieve a plurality of participation. By establishing the agreement as an “opt-out” arrangement, everyone is part of the system the day it becomes law. Jurisdictions that wish to withdraw from the agreement are given the option to do so by submitting a formal request or resolution to the appropriate state agency.
- **Effect on existing mutual aid agreements.** Many states, metropolitan areas and local jurisdictions have already established mutual aid agreements, some of which are specific to a certain discipline or region. The model agreement proposed by the working group would not supercede existing mutual aid compacts. In fact, the group encourages redundancy of mutual aid systems, as it ensures that states and municipalities can share resources with their neighbors at any level or to any degree necessary based on the circumstances of the emergency.
- **Reimbursement.** While some jurisdictions may decide not to charge for services or resources used in a mutual aid response, it is critically important that reimbursement issues be addressed long before a disaster occurs.
- **Members’ responsibilities.** The model agreement clearly defines the responsibilities of the jurisdictions involved in the agreement to ensure they are ready to participate if called upon to do so. Local jurisdictions are asked to identify potential hazards, conduct joint planning and intelligence sharing, identify resources that could be used in a mutual aid exchange, and implement a standardized incident management system.
- **Workers’ compensation.** Complicated legal issues can arise when government employees are injured on the job, especially when those injuries are sustained in another jurisdiction. Which jurisdiction’s authority will cover the injured

worker? The model language states that employees participating in a mutual aid response are “entitled to all applicable benefits normally available to personnel while performing their duties for their employer.” Simply stated, when employees are working in a neighboring jurisdiction, they are covered under the protections of the jurisdiction that employs them.

- **Recognition of licenses and permits.** The recognition of licenses and permits across political subdivisions is important, particularly for public health and medical personnel who may respond to a jurisdiction with different medical licensing authorities. Based on the best practices collected during the drafting process and through the experiences of EMAC, the working group added a provision that requires participants in the agreement to honor the licenses, certifications or permits of the jurisdiction rendering aid, unless otherwise prescribed by the designated chief executive of the jurisdiction. This means that the agreement’s members must examine the differences in their licensing authorities and scope of practice well in advance of providing or accepting mutual aid.

A growing trend

Several states have already expressed interest in the model and have indicated they will use the language to develop their own statewide agreements. It is anticipated that states will modify the model to conform to their own laws or authorities or to address unique needs and circumstances.

“Intrastate mutual aid is becoming an important component of our national emergency management system,” said Egan. “Such a system will allow jurisdictions at all levels to request and receive resources quickly and effectively.

As the system matures, resources can be typed and inventoried at the federal, state and local levels; and this, in turn, will lead to greater interoperability of management systems, equipment, and communications. The net result will be a dramatic expansion of the potential resources available for the entire emergency management community.”

The model is available on the NEMA Web site at www.nemaweb.org and the EMAC Web site at www.emacweb.org. Copies of the document were distributed to the Department of Homeland Security, National Governors Association, National Association of Counties, National League of Cities, National Conference of State Legislatures, and other federal, state and local agencies and organizations.

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Emergency Management Assistance Compact