

Report
of the

Review Committee

facilitated by the

**New Jersey Fire
&
Emergency Medical Services Institute**

on the Final Report
Prepared for Governor Elect Jon S. Corzine
by the

**Homeland Security and Public Safety
Transition Policy Group**

March 30, 2006

Executive Summary

- The recommendations of the Homeland Security and Public Safety Transition Policy Group are a good basis for protecting the people of New Jersey.
- Expansion of many recommendations on the basis of input from the fire and emergency medical service first responder disciplines can increase that protection.
- The implementation of the recommendations by the Office of Homeland Security and Preparedness must include all agencies at all levels—local, county, and state—, all first responder disciplines, and cover all risks.
- Distribution of funds based on risk, threat, and vulnerability is necessary, but risk, threat, and vulnerability must consider all-hazards. Upgrading existing equipment or funding equipment that has several uses is important.
- Statewide plans must be based on local plans rather than creating one plan at the state level and sending it down to the municipalities to implement.
- The Division of Fire Safety should be made a voting member of the Domestic Security Preparedness Task Force.
- The Division of Fire Safety has over 1000 certified Level II Instructors. They teach emergency service courses. This resource should be utilized as part of the Office of Homeland Security and Preparedness training initiatives.
- An Intrastate Mutual Aid Agreement is needed to provide protection to fire and emergency medical services responding outside their municipalities.

Introduction and Background

The New Jersey Fire & Emergency Medical Services Institute (the “Institute”) prepared a white paper (the “White Paper”), *A New View for a New Century*, in 2004. The Executive Summary included the following:

From time to time the question is asked, “Should the Office of Emergency Management be in the Division of State Police?” The reorganization at the federal level suggests that restructuring in New Jersey should be considered for the sake of consistency and ease in working with the respective federal directorates.

The review of emergency management in other states also reveals that a large majority of the agencies are lead by an official, often a Director, who is appointed specifically to that post. In New Jersey, the Director (Superintendent) of the Division of State Police is the State Director of Emergency Management.

As “civil defense” has evolved, the original emergency services—police, fire, and emergency medical services—have expanded. Highways, public works, welfare, animal protection, finance, environmental, utilities, hazardous materials, and many other disciplines now have vital roles to play in “emergency management.”

This evolution demands that a separate office reporting directly to the Governor would be a better coordinator of the expanded list of “players” in emergency management. Such reorganization would better define the relationship between homeland security, counter terrorism, and emergency management.

The White Paper was presented to Governor (then Senator) Corzine by Institute President Paul Roman at a breakfast meeting on April 7, 2005 that had been scheduled during the activities associated with the National Fire and Emergency Services Dinner in Washington, DC.

The members of the Institute were particularly interested in the Final Report (the “Report”) of the Homeland Security and Public Safety Transition Policy Group (the “Policy Group”) prepared for the Governor-elect. In fact, many of the recommendations are similar to the recommendations in *A New View for a New Century*. Some of the members of the Institute (the “Review Committee”) believed that it was advisable to review the Policy Group’s Report and develop comments and recommendations that could make implementation of the proposals more effective.

During the time the Review Committee was preparing this report, Governor Corzine signed Executive Order #5 (the “EO-5”). It created an Office of Homeland Security and Preparedness (the “Office”) to be led by a Director (the “Director”). Richard L. Canas was named Director.

Some revisions were made to the original draft of this report, but the significance of the recommendations remains the same.

General Comments and Recommendations

The Review Committee recognizes that the Report of the Homeland Security and Public Safety Transition Policy Group is one of several reports prepared to assist Governor Corzine in reorganizing and adjusting the State government to meet the goals of his administration. We believe that the Governor and his advisors will take these reports and develop specific reorganization plans and legislation to establish new or altered directions and priorities.

With all due respect, the Review Committee acknowledges that the Policy Group consisted of many respected people who have responsible positions in business, academia, and the professions. However, the Review Committee also feels that the input from the response and mitiga-

tion elements of Homeland Security and Public Safety would be of significant assistance in implementing the Policy Group's recommendations. To that end, these comments, suggestions, and recommendations were developed.

Executive Order #5 incorporates many of the recommendations and much of the language contained in the Report. The Review Committee believes that its recommendations are still important and valid. Several could have been included in the Executive Order, but most can be implemented by the operational policies to be developed by the Office and the Director.

The members of the Review Committee want to emphasize that "Security" is more than target hardening and border protection. "Public Safety" is more than police protection. Although the individual units of state government and the respective counterparts in county and municipal governments have specific individual duties, in the context of Homeland Security and Public Safety, all agencies and all first responder disciplines must be part of an integrated plan for all-hazard risks. "All-hazards" is not spelled W-M-D or C-B-R-N-E.

Although the National Incident Management System (the "NIMS") has expanded the definition of first responders from the tradition police, fire, and emergency medical service, the Review Committee finds that it is important to specifically include police, fire, and EMS in the consideration and implementation of the recommendations of the Policy Group.

The day to day operations in the fire and emergency medical services form a solid foundation for operations in the all-hazard system. The basic operations can be expanded to natural disasters (hurricanes, floods, tornados), accidental events (nuclear generating station accidents, oil spills, chemical plant explosions), and terrorist attacks (bombings, biological contamination).

The NIMS recognizes that all incidents begin at the local level. The Incident Command System (the "ICS")—which is more often referred to as the Incident Management System—is a key element of the NIMS. In addition to incident management, the NIMS is used in emergency prevention, planning, preparedness, response, recovery, and mitigation activities.

Comments on the Recommendations of the Policy Group

1. Immediately Establish Homeland Security and Emergency Preparedness as a Top Priority for the State of New Jersey.

As stated above, existing systems are a good foundation to build upon. There is comfort in the traditional approaches. However, we cannot take comfort *solely* in traditional approaches but must expand them to include *emergency medical services, fire, medicine, environmental science, public health, engineering, and other disciplines.*

2. Immediately Create an Office of Homeland Security and Emergency Preparedness and Appoint a Cabinet-Level Director

The Director should coordinate across all levels of government, law enforcement, *emergency medical, fire*, and the private sector.

The White Paper concluded that a separate Office of Emergency Management would be in the interests of the citizens of New Jersey. The Office of Emergency Management could now be incorporated into the Office of Homeland Security and Preparedness. If the new Office does not have an operational function, as other recommendations by the Policy Group suggest, the Review Committee continues the conclusions and recommendations of the White Paper that there should be an independent Office of Emergency Management.

3. Set Clear Priorities and Goals for the Director and Conduct Statewide Vulnerability, Resource, and Capability Assessments to Set Strategy and to Determine How to Best Achieve These Goals

The Review Committee fears that the priorities and goals listed in the Policy Group Report may be considered only in relation to anti-terrorist strategies. To be really effective for New Jersey, the priorities and goals must apply to all-hazards and all-risks. A broad interpretation must be given to "...map all existing assets and review the mission, goals, and efficiencies of the numerous agencies..." (Report, p. 2)

For instance, the general mission of the fire service—to protect life and property from loss by fire—can be easily expanded to include all-hazard risks. Equipment used by fire departments may only need minor alterations or the addition of a few tools to meet the expanded mission. Scraping what exists and buying all new equipment is not always the best answer. Especially if that new equipment is dedicated to only one use.

The goals listed in the fourth bullet—clear protocols for emergency response— (Report, p. 5) cannot be narrowly viewed. The NIMS speaks pointedly to several of the criteria. The Review Committee believes that a matrix cannot be developed to the detail that will specify who will respond first and who will be in charge in every conceivable instance.

In relation to the second bullet on page 6 of the Report—interoperable, reliable, and redundant system of communications—, reliance should be given to the work of the Statewide Public Safety Interoperable Communications Coordination Council (P.L. 2003, c.235; C.52:17E-1). The goal also needs to be expanded, "...including, law enforcement, *fire, emergency medical, emergency management...*"

Continuing with the fourth bullet on that page—personal protective gear for first responders—, the Review Committee recommends that the goal be expanded to be inclusive. It should read, "Adopting a results-based approach to ensuring the highest level of security and preparedness *for all disciplines.*"

It must be recognized that many agencies currently have comprehensive standards for training and educating those in the discipline represented by that agency and have requirements and/or recommendations for equipment used in that discipline. For example, National Fire Protection Association standards are the benchmark for most fire service training, operations, and

equipment. To recognize this fact, bullet five—ensure the highest level of security and preparedness— (Report, p.6) should be amended to read, “Coordinating and setting standards for statewide training and equipment *consistent with existing systems*.”

A Memorandum Of Agreement already exists among the State Police, Division of Fire Safety, and the Forest Fire Service where ICS training offered by any of the agencies is accepted by all of the agencies. Coordination by the Director, recommended in the Report, should expand on such existing programs; not replace them. This is consistent with the requirements of Governor Richard J. Codey’s Executive Order #50 that established an incident management system in New Jersey, namely the National Incident Management System (NIMS).

The Division of Fire Safety has a roster of over 1000 instructors certified to Level II in accordance with the National Fire Protection Association standard. The *2004/2005 Progress Report* of the Domestic Security Preparedness Task Force (p. 63) shows that the Division of Fire Safety offered 221 Security/Emergency Preparedness Courses; far more than the total for the other 12 agencies listed. The Division of Fire Safety can be a valuable resource to the Office of Homeland Security and Preparedness when training standards are set.

The Report (p. 7) describes the need for the Director to map and assess resources and capabilities. First, the list of major state agencies that the Director should assess must include the fire service—including the Division of Fire Safety in the Department of Community Affairs—and the emergency medical services. Some of these agencies have unique missions. It is recognized that the groups have *some* overlapping missions.

The Review Committee observes that many of the, what has become a popular buzzword, “silos” have been lowered since September 11, 2001. By fulfilling the mission of the new Office of Homeland Security and Preparedness, additional steps can be taken to facilitate, what is another common buzzword, “interoperability.” When the director has a “...full view of what’s happening, what’s missing, and what organizations are best equipped to play specific roles...” (Report, p. 7) and that is coupled with a review of the “...core mission...and efficiency with which each agency completes its tasks...,” the Director’s conclusion will lower the “silos” further and result in greater cooperation and interoperability between agencies.

4. Develop Lines of Command and Control that Grant Authority to the Director to Coordinate and Integrate Key Local, County, and State Components Addressing Homeland Security and Emergency Preparedness.

The paragraph describing Chain of Command is important for the general coordination of State agencies. However, the ICS section of the NIMS document (NIMS, p. 7) states:

The initial response to most domestic incidents is typically handled by local "911" dispatch centers, emergency responders within a single jurisdiction, and direct supporters of emergency responders. Most responses need go no further. In other instances, incidents that begin with a single response discipline within a single jurisdiction may rapidly expand to multidiscipline, multijurisdictional incidents requiring significant additional resources and operational support. Whether for incidents in which

additional resources are required or are provided from different organizations within a single jurisdiction or outside the jurisdiction, or for complex incidents with national-level implications (such as an emerging infectious disease or a bioterror attack), the ICS provides a flexible core mechanism for coordinated and collaborative incident management.

All emergencies begin at the local level. As the local, county, and state components of homeland security and emergency preparedness, particularly the response phase of preparedness, are considered by the Director for coordination, it must be kept in mind that the "...incident command organizational structure develops in a top-down, modular fashion. Responsibility for the establishment and expansion of the ICS modular organization ultimately rests with the Incident Commander." (NIMS, p. 10) The Incident Commander is designated in the initial response at the local level. In most instances, coordination of the plans must be developed starting at the local level, then to the county level, then to the State level. A single statewide operational plan that applies equally from High Point to Cape May is not practical, realistic, or logical.

This concept is basic to the Fire Service Resource Emergency Deployment Act (P.L. 2003, c.28; N.J.S.A. 52:14E-11) (the "Deployment Act"). The Policy Group Report includes a representative list of key stakeholders. The Review Committee strongly recommends that the Division of Fire Safety in the Department of Community Affairs, particularly the Director of the Division who is the State Fire Marshal and the State Fire Coordinator, and the Division's Office of Fire Department Preparedness, be included in the list.

The Domestic Security Preparedness Task Force (the "Task Force") and the Domestic Security Preparedness Planning Group (the "Planning Group") are composed principally of state agencies and statewide organizations. It is easy to minimize the fact that coordinating and integrating all the components to address homeland security and preparedness include a large number of municipal and county units; many of them first responder fire and emergency medical services.

Inter-municipal, inter-county, and intrastate mutual aid plans have been developed for many reasons. One example is the Emergency Operating Plans (the "EOP") developed by each municipality and then consolidated into the county EOP. Those plans are consolidated into the State EOP.

The fire mutual aid plans created under the provisions of the Deployment Act begin at the municipal fire department level and are then combined to form the county fire mutual aid plan. For most fire departments in the state, second and third alarm assistance relies on response from fire departments outside the municipality where the emergency has occurred. To provide protection to the responding units and the individuals commanding and staffing the units, mutual aid agreements are needed. It is difficult and time consuming for each municipality to negotiate separate agreements with each of the other municipalities in the local fire mutual aid plan.

In March 2004, the National Emergency Management Association published *Model Intra-state Mutual Aid Legislation*. The model, as described in its introduction, "...is meant to be a tool and resource for states...to utilize in developing...statewide mutual aid agreements." The

preamble in the model states, “All political subdivisions within the state are, upon enactment of this legislation or the execution of an agreement, automatically a part of the statewide mutual aid system.”

Public fire departments and rescue squads are organized at the municipal level. Mutual aid in almost always from another municipality. An Intrastate Mutual Aid Agreement would provide protection to assisting fire departments and rescue squads that doesn’t currently exist in most cases.

The Attorney General’s Office reviewed the model legislation and drafted revisions to make the model consistent with New Jersey law. That draft was endorsed by the Planning Group. After nearly two years, the legislation has not been introduced in the Senate or General Assembly. It is the opinion of the Review Committee that an intrastate mutual aid agreement is a key component to addressing homeland security and emergency preparedness.

The amendments to the *Model Intrastate Mutual Aid Legislation* to provide consistency with New Jersey law must include a recognition of the Fire Service Resource Emergency Deployment Act. There are several examples where fire service resources are deployed by the State Fire Coordinator but a formal state disaster has not been declared. The protection afforded by the mutual aid agreement must include those instances.

As the Review Committee has previously noted, it is not absolutely clear if the Policy Group considered an operational function for the Office of Homeland Security and Public Safety. The number one directive in Executive Order #5 gives the power to the Office of Homeland Security and Preparedness to “...administer, coordinate, lead, and supervise...preparedness efforts.”

The Review Committee believes that preparedness includes planning, equipping, training, exercising (typically called drilling in the fire service), responding, mitigating, critiquing, and revising. If that definition of preparedness is adopted by the Office of Homeland Security and Preparedness, the concept of dual reporting for the Superintendent of State Police recommended by the Policy Group and included as directive number 19 in EO-5 should be used for the State Fire Marshal to provide dual reporting for fire service preparedness. A similar procedure should be adopted for the emergency medical service.

5. Require that all State and Federal Discretionary Funds for Homeland Security and Preparedness be Distributed by the Director on the Basis of Risk, Threat, and Vulnerability.

Discretionary funds come from many sources and for many uses. Frequently there are many restrictions on how specific funds can be disbursed. Particularly, using the comprehensive definition of preparedness, funds should be distributed on an equitable basis to enhance the level of security and preparedness of *all first responder disciplines* throughout the state.

6. Establish Strong, Meaningful Partnerships and Collaborations with Key Stakeholders—First Responders, the Health Community, Private Industry, the Port Authority of New York/New Jersey, and other Jurisdictions—All of Whom Will be on the Front Line During Times of Crisis.

The Review Committee was pleased to note the specific paragraph on First Responders included in the Policy Group Report (p.9). It also commends the arrangement of the list of emergencies in that paragraph. It is agreed that “The top priority of the Governor should be to protect the people of New Jersey.” (Report, p. 2) Protection from terrorism is very important, but a cursory consideration of the recurrence of “All-Hazards” events suggests that “...natural disaster, catastrophic event, health pandemic, or terrorist threat...” is probably listing the most likely occurrence first.

The Port Authority of New York and New Jersey participates in the work of the Domestic Security Preparedness Planning Group. The Planning Group is responsible for the actual development of a domestic preparedness plan. It works in conjunction with the Domestic Security Preparedness Task Force. The planning group must develop a coordinated plan for consideration by the Task Force to prepare for, respond to, mitigate, and recover from incidents of terrorism. The Task Force is responsible for preserving, protecting, and maintaining the domestic security of the state and for developing, implementing, and managing comprehensive responses to possible terrorist attacks or other technological disasters. The Port Authority has facilities within the boundaries of the Urban Area Security Initiative (UASI) region, however, it is not a statewide agency. The Review Committee believes that the Port Authority better fits in the definition of “Other Jurisdictions.” (Report, p. 10)

7. Restructure the Domestic Security Preparedness Task Force

The Review Committee takes a more liberal interpretation of the authority of the Task Force. Homeland security is more than protection from terrorism. The "New Jersey Domestic Security Preparedness Act" (P.L. 2001, c.246) included the provisions:

The primary duties of the task force shall include, but not be limited to:

The development of proposals to preserve, protect and sustain domestic security and to ensure a comprehensive program of domestic preparedness..., (and) shall be charged with managing responses in accordance with the State Emergency Operations Plan and serve as an all-hazards response center. (Section 5)

The task force shall adopt domestic security and preparedness standards, guidelines and protocols, subject to applicable constitutional and statutory limitations, to preserve, protect and sustain the critical assets of the State's infrastructure, which may be applicable to both public and private entities and facilities, as may be appropriate and critical to the public interest and well-being. (Section 6, a.)

In addition, the requirement of the NIMS to include All-Hazard responses, the Task Force cannot restrict itself to terrorist, WMD, and CBRNE concerns.

If, however, the conclusion of the Policy Group is accepted, then the fourth recommendation on page 10 of the Report must be addressed. The Review Committee strongly recommends that emergency preparedness and the all-hazards approach should be made the *first* core mission of

the Task Force. The day to day operations in the fire and emergency medical services form a solid foundation for operations in the all-hazard system. The basic operations can be expanded to natural disasters accidental events, and terrorist attacks. Based on this foundation as the first core mission, the second core mission of counter-terrorism can be logically—and realistically—established.

The Review Committee recognizes that several members of the Task Force have operational responsibility; for instance the State Police, National Guard, DEP, and DOT. However, the Task Force itself is a Policy group. If some alteration in operational authority is to occur, it would be better accomplished by moving the Office of Emergency Management into the Office of Homeland Security and Preparedness and make it an inter-disciplinary Office rather than giving the Task Force operational authority, as recommended in the first bullet on page 11 of the Report.

The Policy Group recommends trimming the membership of the Task Force. (Report, p. 11) It also notes that the Task Force has added several “so-called permanent members.” (Report, p. 10) As previously noted, the Policy Group also recommends adding the Port Authority of New York and New Jersey to the Task Force (Report, p. 9).

Executive Order #5 makes no change to the Task Force (which presumably could not be accomplished without amendments to the legislation that created it). The Director is named chair. (EO-5, item 16) The Review Committee has no recommendation for trimming the size of the Task Force. Rather, to better recognize the importance of first responders in planning, training, equipping, exercising, and mitigating, the Director of the Division of Fire Safety should be added to the Task Force—creating parity with the Superintendent of the Division of State Police—as a voting member rather than a “so-called permanent member.”

8. Restructure the Office of Counter-Terrorism in New Jersey

No additional recommendations are made.

9. Prepare, Plan, Coordinate, and Exercise

The Review Committee recommends that the paragraph in the Executive Summary of the Report be rewritten to read:

The goal of the state should be to mitigate existing risk while simultaneously coordinating multi-discipline response in the event of a natural, accidental, or terrorist event. To accomplish this goal, the state will have to build on the existing local, county, and statewide protocols for response to enhance them and to improve the plan for continuity of government in the event of a natural disaster, catastrophic event, health pandemic, or terrorist threat, and increase training and exercises to advance the level of coordination and preparedness for all hazards.

10. Protect Civil Liberties

No additional recommendations are made.

Conclusions

The members of the Review Committee offer to meet with the Governor, his staff, the Director, or his staff if clarification is desired on any of the recommendations in this report. They also are ready and willing to meet as a resource of the fire and emergency medical services to assist in implementing the mission of the Office of Homeland Security and Preparedness.

Documents Referenced

Homeland Security and Public Safety Transition Policy Group, *Final Report*, January 12, 2006
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<http://www.state.nj.us/infobank/circular/eoc50.htm>

National Incident Management System, Department of Homeland Security, March 1, 2004
http://www.fema.gov/nims/nims_compliance.shtm#nimsdocument

The New Jersey Emergency Management Agency, *A New View for a New Century*, October 2004, A proposal prepared by the New Jersey Fire & Emergency Medical Services Institute
<http://www.njsafd.org/id1.html> Click on “NJ Fire & EMS Institute White Paper”

The Fire Service Resource Emergency Deployment Act, P.L. 2003, c.28 (N.J.S.A. 52:14E-11 et seq.) http://www.njleg.state.nj.us/2002/Bills/PL03/28_.HTM

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<http://www.state.nj.us/dca/dfs/booklet3.pdf>

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Model Intrastate Mutual Aid Legislation, National Emergency Management Association, March 2004, <http://www.emacweb.org/?150>

Fire Service Instructor Professional Qualifications, NFPA 1041, National Fire Protection Association, [http://www.normas.com/NFPA/PAGES/NFPA-1041\(02\).html](http://www.normas.com/NFPA/PAGES/NFPA-1041(02).html)

The Review Committee

The New Jersey Fire & Emergency Medical Services Institute facilitated the formation of the Review Committee for the purpose of reviewing the Final Report of the Homeland Security and Public Safety Transition Policy Group and making comments and recommendations to enhance that report. The following persons are responsible for this Report. The report has not been endorsed by the Institute or any of its member organizations.

The Review Committee worked as a Committee of the Whole. The names of the participants are listed in alphabetical order.

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