



**Ohio Emergency Management Agency  
Testimony of Holly Welch, Preparedness Administrator  
Senate Bill 22  
House State & Local Government  
March 9, 2021**

Chair Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee. My name is Holly Welch, and I serve as the Preparedness Administrator with the Ohio Emergency Management Agency, also known as EMA. Thank you for the opportunity to come before you to testify as an Interested Party today on Senate Bill 22. Today's testimony focuses on potential unintended consequences this bill will have on Ohio's ability to respond swiftly to an emergency.

To begin, emergency management begins at the local level. Before, during, and after an event, the EMA is engaged with the local officials who are managing an event. Often times, the state will activate all or a portion of the state Emergency Operations Center (EOC) to prepare and assist local governments as needed. This involves activating what are known as Emergency Support Functions, or ESFs, which can assist with any of the following: transportation, communications, information and planning, and mass care. Personnel in each ESF are often able to respond and assist local governments as needed without an emergency declaration. However, some events are so large and have such great impact that the state needs to utilize its own resources beyond the normal scope of capability, or even request resources from other states. This is when EMA will pursue a Governor's Emergency Declaration.

The emergency declaration is needed to quickly get resources to the locals, and for those resources to remain activated for as long as they are needed to complete a mission successfully. An emergency declaration authorizes state agencies to utilize resources outside of the normal scope of work. For example, last month in Lawrence and Gallia Counties, the Ohio Departments of Natural Resources (ODNR) and the Ohio Department of Transportation (ODOT) were activated to help clear snow and debris from county and city roads. In 2019, these state agencies also helped with debris removal when the Governor declared the emergency for the 2019 Memorial Day tornados. The declaration in 2019 also allowed the

Ohio Department of Job and Family Services (ODJFS) to make supplemental food programs available, and also allowed ODOT to waive certain hauling requirements. Again, it was important that these programs were not constrained by time or bureaucracy as any break in the declaration period could have meant lack of funding for food or the ability to clear debris. These are only some of the additional authorities that are opened up to state agencies during an emergency to help manage the emergency and implement recovery efforts. Another important element of the emergency declaration is that it authorizes the Ohio Department of Administrative Services (DAS) to suspend state purchasing requirements for agencies involved in response and recovery, allowing the state quickly purchase needed items like bottled water during the Toledo water crisis in 2014.

Those were example of internal state resources – but if Ohio needs outside resources, it has one of two options – the Emergency Assistance Compact, also known as EMAC, or federal assistance. EMAC is a compact entered into by states and territories to share resources with compact members in an emergency. This is the state’s only means to bring in mutual aid from another state. In order to request resources through EMAC, there must be a state emergency declaration, and it must remain in effect for the entire time the out-of-state resource(s) is being used by Ohio. For example, Ohio used EMAC in 2016 to bring additional law enforcement support into the state during the Republican National Convention (RNC). Without EMAC, the City of Cleveland would not have been able to bring in adequate law enforcement to protect those attending the event. This declaration needed to be declared early to enter into agreements with assisting states and continue throughout the event – it was not a 90-day declaration. It was also not a declaration that was published due to the sensitive nature of the security operation surrounding the high-profile event. Opening up the declaration process to a required renewal period could mean losing resources during a crucial time.

If we have exhausted our state resources and need federal assistance, a Governor’s declaration is critical to obtaining a Federal Major Disaster or Emergency Declaration – this is needed to bring in resources or funding. A Major Disaster comes with more funding and more programs to help state and local governments, as well as programs for individual assistance. A Major Disaster declaration requires several criteria, most relevant to this discussion is that:

- “The Governor must demonstrate that he or she has taken appropriate action under State law and directed execution of the State’s emergency plan.”

One of the ways the state demonstrates that it has taken appropriate action under state law and executed its emergency plan is through the emergency proclamation. The emergency proclamation can demonstrate that the state has exhausted its resources. As I mentioned earlier, emergency response begins at the local level, and when local resources are exhausted, local government turns to the state. In order to activate its resources to the fullest extent, the

state must declare an emergency. Federal programs and funding can be impacted by the need for a declaration. Discussions are continuing nationally as we do not know what the federal government may do and how it will impact programs if declarations are limited.

Another potential unintended consequence is the state's ability to establish its "legal responsibility" for a particular action in order to be eligible for federal reimbursement. Federal reimbursement does not come without its strings. An applicant must show it is an eligible applicant completing eligible work at a reasonable cost. One element of being an "eligible applicant" is showing FEMA that the applicant is "legally responsible" for conducting the work at issue. On several occasions, the state has used the emergency declaration to establish its "legal responsibility" for conducting work outside of its normal scope of authority. Take for example debris removal in Dayton in 2019 after the devastating tornadoes. Debris was initially piled onto local government property to clear streets but needed to be hauled to a permanent dump site. This would normally be the local government's responsibility. However, through a mission request from local government and the authority of the emergency proclamation to use all resources available to the state to assist in response and recovery, the state was able to establish its "legal responsibility" to remove debris using ODOT resources to assist the local government and obtaining reimbursement from FEMA.

Going back to the state response to an emergency, termination or the uncertainty of termination of an emergency declaration will impact the completion of mission assignments by state agencies working outside their normal scope of authority and will require EMAC resources to leave the state.

Finally, emergencies are primarily regional events, and members of both the House and Senate are already very involved when their districts are impacted by an emergency. This bill would require the entire General Assembly to agree that an emergency needs to be extended.

We want to be able to protect the citizens of Ohio during emergencies and to do so we must be able to act quickly and for extended periods of time. Any other option threatens the ability to physically respond or bring much-needed funding to residents and to the state.

Chair Wiggam, Vice Chair John, Ranking Member Kelly, and members of the committee, thank you again for the opportunity to testify. At this time, I am happy to answer any questions that members of the committee may have.