

NEW JERSEY COUNTIES EXCESS JOINT INSURANCE FUND

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BULLETIN NJCE 24-05

Date: January 1, 2024
To: Fund Commissioners of NJCE
From: NJCE Underwriting Manager, Conner Strong & Buckelew
Re: Contributing to Disaster Relief

We have received a number of inquiries from membership on coverage for members' employees and volunteers who want to provide Hurricane Harvey assistance.

Although we commend those who wish to help, self-deployment by any entity or individual is not encouraged.

It is our understanding that the State of New Jersey participates in the Emergency Management Assistance Compact (EMAC), an inter-local agreement for emergency services, which outlines the protocol for providing assistance, but only upon request for aid. For your reference, attached is a copy of the EMAC Fact Sheet which provides an outline of the program.

The above description is a general discussion of the coverage and limits provided by the NJCE; however, the actual terms and conditions are defined in the policy document and all issues shall be decided based on the policy document. If you have any questions concerning this bulletin, please contact your Risk Management Consultant, Commission Executive Director or the Underwriting Manager.

cc: Risk Management Consultants
Fund and Commission Professionals
Fund and Commission Executive Directors

Emergency Management Assistance Compact (EMAC)

Overview for National Response Framework

EMAC is a national interstate mutual aid agreement that enables states to share resources during times of disaster. Since the 104th Congress ratified the compact, EMAC has grown to become the nation's system for providing mutual aid through operational procedures and protocols that have been validated through experience. EMAC is administered by NEMA, the National Emergency Management Association, headquartered in Lexington, KY.

EMAC acts as a complement to the federal disaster response system, providing timely and cost-effective relief to states requesting assistance from assisting member states who understand the needs of jurisdictions that are struggling to preserve life, the economy, and the environment. EMAC can be used either in lieu of federal assistance or in conjunction with federal assistance, thus providing a "seamless" flow of needed goods and services to an impacted state. EMAC further provides another venue for mitigating resource deficiencies by ensuring maximum use of all available resources within member states' inventories.

The thirteen (13) articles of the Compact sets the foundation for sharing resources from state to state that have been adopted by all 50 states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and has been ratified by Congress (PL-104-321).

The four more commonly referenced articles of the compact (Article V, IV, VIII, and IX) address the primary concerns of personnel and states offering and receiving assistance:

Article V - Licenses and Permits

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

Article VI - Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

Article VIII - Compensation

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

Article IX - Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

EMAC Governance Structure

An outline of the EMAC Governance Structure is given below:

1. *National Emergency Management Association:* NEMA was established in 1974 when state directors of emergency management first united in order to exchange information on common emergency management issues that threatened their constituencies. NEMA has administered EMAC since 1995 and has 2.5 staff members dedicated to EMAC administration and training.
2. *EMAC Committee:* The EMAC Committee, the managing body of the compact, is a standing committee under the NEMA organizational structure that maintains oversight of EMAC and the EMAC Executive Task Force. The EMAC Committee consists of a chair, fourteen (14) state directors (or their designees) and a non-voting private sector liaison. The emergency management director and Governor from every state and territory that has passed EMAC legislation and signed EMAC into (state) law are invited to participate.
3. *The EMAC Advisory Group:* The EMAC Advisory Group is comprised of invited representatives from the national based organizations who represent the first responder community and other mutual aid stakeholders (including DHS/FEMA, CDC, and the National Guard Bureau). The mission is to facilitate the effective integration of multi-discipline emergency response and recovery assets for nationwide mutual aid through EMAC.
4. *The EMAC Executive Task Force (ETF):* The ETF conducts the day-to-day work of the EMAC Committee. The ETF is comprised of a Chair, Chair-elect, Past Chair, and ten (10) voting Lead State Representative members (chosen by the state emergency management directors), three (3) members at large (chosen by the EMAC ETF Chair), and four (4) non-voting members (NEMA Legal Committee Liaison, NEMA EMAC Coordinator, NEMA EMAC Sr. Advisor, and NEMA EMAC Training Coordinator). The Chair of the EMAC Executive Task Force serves as the Team Leader to the National Coordination Group.
5. *National Coordination Group (NCG):* The NCG (state of the EMAC ETF Chair) works very closely with NEMA on the daily workings of EMAC and during an event works to direct EMAC policy and procedures.

How EMAC Works

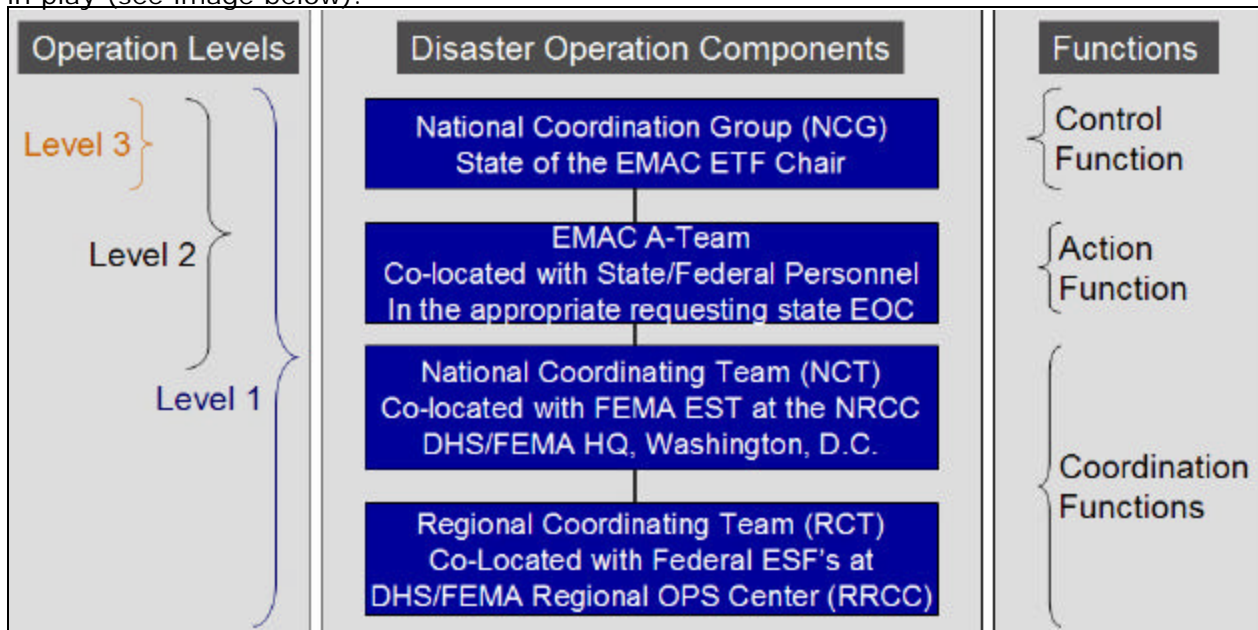
Requesting and deploying resources is made at the discretion of the impacted (Requesting) state allowing them the ability to pick what they need and for what price. The responding (Assisting) state only has to offer assistance if they have the resources and can deploy it. At all times, impacted states retain the choice of seeking resource support from either state or federal, or both as may be appropriate for their circumstances. Local resources can be deployed under EMAC if the state has adopted intrastate legislation (see Model Intrastate Mutual Aid Legislation at NEMA's Web Site (www.nemaweb.org)). The EMAC process is outlined below.

Note: The state emergency management director is an appointed EMAC Authorized Representative and can designate both EMAC Authorized Representatives and EMAC Designated Contacts in their agency. EMAC Authorized Representatives have the authority to obligate the state financially (make requests for resources to come into their state under an emergency declaration). EMAC Designated Contacts cannot financially obligate the state but can be contacted to get more information about EMAC coordination.

1. EMAC Authorized Representative confirms declaration of emergency by Governor
2. State assesses needs for resources
3. State determines if they need an external EMAC A-Team to assist with acquisition of resources or if they will use their in-state EMAC A-Team and acquires external A-Team if needed
4. State determines best source for needed resource (EMAC, Federal, private sector, etc.)
5. EMAC A-Teams request resources by one or all of the following methodologies:
 - a. Direct contact with state (knows the resource and can go directly to the state that has it – often a recurring mission).
 - b. EMAC resource request is made utilizing the EMAC Emergency Operations System (EOS) broadcast functionality. States may request broadcast by region (FEMA regions), two regions, or 3 regions, an individual state, or an individual EMAC Authorized Representative or EMAC Designated Contact within a state.
 - c. Agencies within the states may refer request and suggested resource to the state emergency management agency for their follow-up.
6. EMAC A-Teams determine cost and availability of resources
7. The EMAC REQ-A Form is completed by the EMAC Authorized Representatives between both the Requesting State and the Assisting State.
8. Resources are mobilized from the Assisting State to the Requesting State.
9. Resources check in at state staging areas and are deployment locations and missions are confirmed.
10. Resources complete mission – relaying any issues back to their home state emergency management agency.
11. Resources are demobilized.
12. Assisting States complete reimbursement request and after internal audit sends to the Requesting State.
13. Requesting State reimburses the Assisting State

EMAC Operational Levels

The three levels of EMAC operation (Level 3, Level 2, and Level 1) are mirrored after most state and federal operation levels and have worked effectively and seamlessly within NIMS. The EMAC coordinating components are typed according to size, organizational composition, function, and mission requirements to meet operational demands. EMAC operational deployment levels are activated depending upon the scale of the event. If the event warrants, the levels of operational deployment can be ramped up from a Level 3 to a Level 1. The highest level of EMAC operational level is 1, where all components and functions are in play (see image below).



The decision to expand or elevate the level of operation rests with the EMAC Executive Task Force Chair acting as the NCG Team Leader. The EMAC Operation Levels are reviewed below.

- A. Level 3 – The lowest level of EMAC activation involves the activation of the Assisting State, the NCG, and the NEMA EMAC Coordinator. The Assisting State is using their internal state A-Team to request resources.
- B. Level 2 – A level 2 operation may involve a single-state or multiple states and deployment of an A-Team is requested by one or more affected states.
- C. Level 1 - The highest level of EMAC activation is in effect whenever a single-state or multiple states within single or multiple regions have suffered a major disaster requiring resources. A-Teams have been requested by one or more affected states and DHS/FEMA Headquarters has requested that an EMAC National Coordinating Team (NCT) and/or an EMAC Regional Coordinating Team (RCT) be deployed to appropriate locations to coordinate resource needs with federal and state counterparts.

How EMAC is Coordinated with the Federal Response:

EMAC is first and foremost a state-to-state compact; however, DHS/FEMA and EMAC leadership have a long-standing agreement in which NEMA, through the NCG, facilitates requests to deploy a team to coordinate EMAC activities with federal personnel whenever requested by DHS/FEMA Headquarters. When requested, this results in EMAC moving from a Level 2 to a Level 1 operation.

Upon a request by DHS/FEMA with the concurrence of the NCG Leader and NEMA, an EMAC Coordinating Team may be deployed to the National Response Coordination Center (NRCC) at DHS/FEMA Headquarters in Washington, DC, or to a DHS/FEMA Regional Response Coordination Center (RRCC). Member States should use Form REQ-B (Appendix V. h: EMAC Forms: 4. EMAC Form REQ-B: NCT and RCT Cost Estimate) to capture estimated mission costs tracked by NEMA.

To stand up the NRCC or an RRCC, FEMA NRCC contacts the NEMA EMAC Coordinator who coordinates with the NRCC, NEMA Executive Director, and the National Coordination Group to complete a task order and determine if the deployment of state resources under EMAC is at a level that coordination is necessitated.

For more information about EMAC visit www.emacweb.org, contact NEMA (www.nemaweb.org), or your state emergency management agency.

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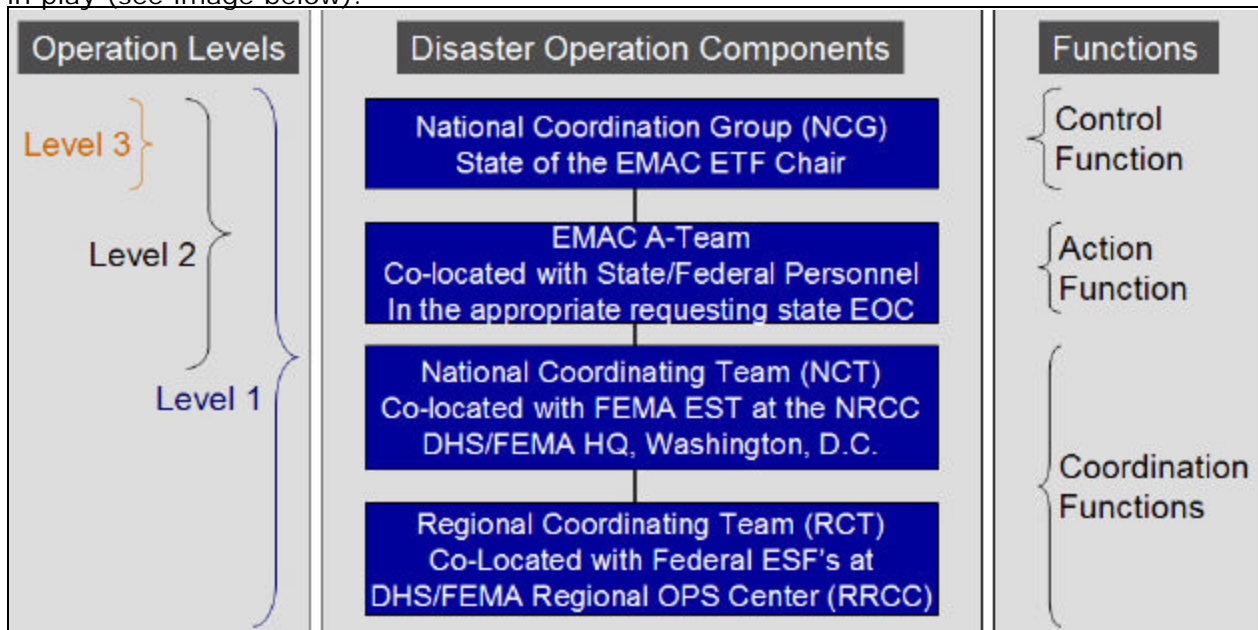
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