

Emergency Management Assistance Compact Fact Sheet

Overview

The [Emergency Management Assistance Compact \(EMAC\)](#) is a type of interstate mutual aid agreement that facilitates the sharing of assistance among states during emergency events, including natural and man-made disasters.¹ EMAC was ratified by the U.S. Congress in 1996.² EMAC is the most widely adopted mutual aid arrangement in the United States; it has been adopted by all states, the District of Columbia, and some territories.³

What EMAC Does

EMAC provides an organized structure through which a state can request aid such as personnel, services, equipment, and supplies from other states during an emergency. EMAC establishes that the requesting state is responsible for reimbursing the assisting state for any expenses incurred. EMAC also addresses liability, compensation, and licensing issues for personnel deployed pursuant to an EMAC request.

EMAC does not replace federal assistance but acts to complement federal resources or to provide resources when an event does not warrant federal assistance.³ Participation in mutual aid arrangements like EMAC is seen as an important component of the federal [National Incident Management System \(NIMS\)](#), which is intended to provide a systematic approach to guide governments at all levels, nongovernmental organizations, and the private sector in collaborative emergency preparedness and response activities.

How EMAC Works

There is no cost to join EMAC, but states are required to adopt the model compact language into their statutes essentially unchanged in order for the compact's reimbursement, liability, and compensation provisions to work. EMAC is overseen by a number of committees and taskforces comprised of representatives of state and local governments and other organizations.³ EMAC is administered by the National Emergency Management Association (NEMA).

Requesting Assistance

EMAC is triggered by a requesting state when its governor has declared an emergency and the state enters a request for assistance through the EMAC Operating System.³ The requesting state can ask the EMAC leadership to send a team of emergency management personnel to the state's emergency operations center to assist with subsequent resource requests under EMAC. The requesting state can seek additional resources through the EMAC network from other states. These assisting states work with the requesting state to identify resources required and other details. Once both the requesting and assisting states approve the final details, resources are deployed to the area of need.

It should be noted that local governments and their employees are not parties to EMAC unless they are specifically deemed to be state forces through statutory mechanisms or otherwise participate in a mutual aid agreement with the state. NEMA developed the *Model Intrastate Mutual Aid Legislation* in 2004 to provide a model for such an aid agreement.⁶ Alternatively, some states have passed state-county mutual aid deployment contracts that allow local emergency responders to deploy under the auspices of EMAC.⁷ Other states have developed intrastate mutual aid systems that allow localities to request and provide assistance within the state.

Reimbursement

Once the missions have been completed and resources have returned home, the assisting states prepare formal requests for reimbursement, which are then sent to and processed by the requesting state.³ Costs for resources are agreed to by the requesting and assisting state before deployment, which serves to facilitate the reimbursement process.

The Federal Emergency Management Agency (FEMA) will reimburse for services provided through mutual aid agreements, like EMAC. FEMA will reimburse mutual aid costs if the aid was requested (i.e., no spontaneous responders), the assistance requested directly related to a disaster eligible for FEMA assistance, and the assistance occurred under a signed, written mutual aid agreement.⁴ Only the entity requesting mutual aid (the requesting state) is eligible to apply for grant assistance directly from FEMA; entities providing aid (assisting states) must seek reimbursement from the requesting state.

Liability and Immunity Issues

Those rendering aid under EMAC are considered agents of the requesting state for tort liability and immunity purposes; no assisting state or its officers or employees rendering aid are liable for an act or omission that occurs in good faith.⁵ Willful misconduct, gross negligence, or recklessness are excluded from EMAC immunity. Because EMAC only applies to officers and employees of a state, immunity protections and license reciprocity will not automatically extend to volunteers who provide services outside of EMAC. Volunteers would have to be made temporary state government employees to be assured of coverage under EMAC.

Compensation Issues

EMAC also stipulates that each state is responsible for the payment of compensation and death benefits for members of their own emergency forces in the same manner and terms as if the injury or death were sustained in assisting/home state. Thus, if an emergency responder sent from an assisting state is injured while in the requesting state, the emergency responder would seek compensation from the assisting state.

Licensing Issues

Under EMAC, a person from an assisting state who provides assistance in the requesting state and who is licensed in a profession or other skilled trade is considered to be licensed to perform those services in the requesting state, subject to any limitations imposed by the requesting state.

How EMAC Affects States

EMAC has a direct and significant impact on states. The operation of this interstate mutual aid compact allows states to efficiently exchange resources during emergency events, reimburse expenses, and allocate liability and compensation obligations. The EMAC organization, as supported by NEMA, also provides states with training, exercises, and direct technical assistance before, during, and after an event.

Practice Notes

- Identify the mechanisms and requirements your state uses to request and supply aid under EMAC.
- Identify any mechanisms your state might use to send volunteers through EMAC.
- Identify the mechanisms and requirements for deploying localities in your state under the auspices of EMAC.
- Identify any other mutual aid agreements your state is party to and the specific requirements for requesting and supplying aid under the other agreements.

Sources

¹ Emergency Management Assistance Compact, Pub. L. No. 104-321.

² Emergency Management Assistance Compact. *Articles of Agreement*. Available at www.emacweb.org. Accessed January 31, 2012.

³ Emergency Management Assistance Compact website. Available at www.emacweb.org. Accessed January 31, 2012.

⁴ Federal Emergency Management Agency. "Mutual Aid Agreements for Public Assistance and Fire Management Assistance" (Disaster Assistance Policy 9523.6). August 13, 2007. Available at www.fema.gov/government/grant/pa/9523_6.shtm. Available January 31, 2012.

⁵ Centers for Disease Control and Prevention, Public Health Law Program. "Selected Federal Legal Authorities Pertinent to Public Health Emergencies." September 2009. Available at <http://www2.cdc.gov/phlp/docs/Selected%20Fed%20Legal%20Authorities%20re%20PH%20Emergencies%20102709%20v2.pdf>. Accessed January 31, 2012.

⁶ Emergency Management Assistance Compact. *Model Intrastate Mutual Aid Legislation*. March 2004. Available at www.emacweb.org. Accessed January 31, 2012.

⁷ Emergency Management Assistance Compact. "Model State-County Mutual Aid Deployment Contract" webpage. Available at www.emacweb.org. Accessed January 31, 2012.

⁸ Centers for Disease Control and Prevention, Public Health Law Program. "Inventory of Mutual Aid Agreements and Related Resources" webpage. Available at <http://www2.cdc.gov/phlp/mutualaid/MutualResources.asp>. Accessed January 31, 2012.

⁹ Lindsay B. Congressional Research Service. *The Emergency Management Assistance Compact (EMAC): An Overview* (RL34585). July 21, 2008. Available at <http://openers.com/document/RL34585/>. Accessed January 31, 2012.

¹⁰ Government Accountability Office. *Emergency Management Assistance Compact: Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response* (GAO-07-854). July 2007. Available at www.gao.gov/products/GAO-07-854. Accessed January 31, 2012.

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