

EMAC Articles of Agreement

EMAC is a compact, an agreement among member states that outlines the legal agreements and procedures for providing assistance to other member states in the event of an emergency or disaster.

EMAC is defined by its Articles, which constitutes the agreement on how emergency assistance will be exchanged among the member states. Each state's legislature must enact EMAC legislation and the governor must sign articles into law to become a member state.

The EMAC agreement consists of 13 Articles. All members of EMAC, by adopting the language of the compact into law, agree to abide by and fulfill the Articles of the Compact.

The Articles define, among other things:

- EMAC's purpose
- Member state responsibilities
- Limitations of the agreement
- License and permit recognition across member states
- Liability arrangements
- Compensation and reimbursement
- Implementation requirements

A summary of the 13 Articles is below. The [full text of the agreement can be viewed by clicking here \(PDF\)](#).

Summary of EMAC's 13 Articles:

| Article | Description |
|-------------------------------------|---|
| Article I: | Defines a "state" |
| Purpose and Authorities | <ul style="list-style-type: none">▲ Identifies the purpose of the compact-to provide mutual assistance between compact members in managing a declared emergency or disaster▲ Provides for mutual cooperation in emergency exercises, testing, and training● Provides for use of the National Guard for humanitarian purposes |
| Article II: | Acknowledges the potential need to use outside jurisdictional resources to respond to emergencies |
| General Implementation | <ul style="list-style-type: none">▲ Identifies as essential the prompt, full, and effective use of the participating states' resources for the safety, care, and welfare of the people affected by an emergency or disaster▲ Stipulates that the legally designated state official assigned responsibility for emergency management is responsible for formulating the necessary mutual aid plans and procedures |
| Article III: | Outlines the responsibilities of the states as members of the compact: |
| Party State Responsibilities | <ul style="list-style-type: none">▲ Become familiar with possible joint emergency situations▲ Become familiar with other states' emergency plans▲ Develop an emergency plan and procedures for managing and provisioning assistance▲ Assist in warnings▲ Protect and ensure uninterrupted delivery of services; medicines; water; food; energy and fuel; search and rescue; and critical lifeline equipment, services, and resources▲ Inventory and set procedures for interstate loan and delivery of human and material resources, including procedures for reimbursement or forgiveness▲ Provide for the temporary suspension of any statutes or ordinances that restrict implementation▲ Stipulates that only the authorized representative of a member state may request assistance, and a verbal request must be confirmed by a written request▲ Identifies the information required in a request for assistance, including:<ul style="list-style-type: none">▲ A description of the emergency service(s) needed▲ The amount and type of personnel, equipment, materials, and supplies needed, including an estimate of the length of time they will be needed▲ The specific place and time for staging, and a point of contact at that location▲ Stipulates frequent consultation among emergency management officials at all levels and the free exchange of information, plans, and resource capabilities |
| Article IV: | Outlines the limitations of the compact, including: |
| Limitations | <ul style="list-style-type: none">▲ Resources necessary to protect the Assisting State should be withheld▲ Assisting emergency forces operating within a Requesting State should be afforded the same powers (except arrest, unless specifically authorized), duties, rights, and privileges as afforded the Requesting State's forces▲ Assisting emergency forces are under the command and control of their regular leaders● Assisting emergency forces are under the operational control of the receiving state's emergency |

services authorities

- The compact is activated only subsequent to the declaration of a state of emergency by the governor of the Requesting State or the commencement of exercises or training, and are in effect as long as the state of emergency, disaster, exercises, or training is in effect.

Article V: Stipulates that licenses, certifications, and permits recognized by the Assisting State will be recognized by the receiving state, subject to limitations and conditions prescribed by the governor's executive order.

Licenses and Permits

Article VI: Stipulates that those rendering aid and assistance under the compact 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 on account of any act or omission in good faith. (Good faith does not include willful misconduct, gross negligence, or recklessness.)

Liability

Article VII: The compact does not preclude any state from entering into supplementary agreements with another state, nor does it affect other agreements already in force between states. Supplementary agreements may include but are not limited to provisions for:

Supplementary Agreements

- The evacuation and reception of injured and other persons
- The exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel
- The exchange of equipment and supplies.

Article VIII: Stipulates that each member state is responsible for the payment of compensation and death benefits of their own members of emergency forces in the same manner and terms as if the injury or death were sustained in their own state. In essence, all party states will take care of their "own" in terms of Worker's Compensation benefits.

Compensation

Article IX: Stipulates that an Assisting State is entitled to be reimbursed by the receiving state for any loss of or damage to or expense incurred in the operation of any equipment, as well as expenses incurred in the provisioning of any services at the request of a state. An Assisting State may opt to donate any portion of its expenses to the receiving state. Article VIII (Compensation) expenses are not reimbursable.

Reimbursement

Article X: Directs member states and the emergency management/ services directors of the various jurisdictions to develop comprehensive plans for the orderly evacuation of and interstate reception and maintenance of portions of the civilian population, prior to the need for an evacuation. The "sending" state and the "receiving" state should develop a mutual agreement for reimbursement of the out-of-pocket expenses incurred in receiving and caring for the evacuees. The "sending" state assumes the responsibility for the ultimate support of repatriation of the evacuees.

Evacuation

Article XI: Stipulates that the compact becomes operative as soon as it is enacted into law. Any state may withdraw from the compact with 30 days' notice from the state's governor to all other states participating in the compact. Copies of the compact and supplementary agreements are to be provided to each member state, FEMA, and other appropriate government agencies.

Implementation

Article XII: Stipulates that if any part of the compact is ruled unconstitutional or determined to be invalid, the remaining part of the compact remains intact.

Validity

Article XIII: Stipulates that the compact does not authorize or permit the use of military force by the National Guard of any state outside of that state in any emergency for which the President is authorized by law to call the militia into federal service.

Additional Provisions