



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

July 12, 2004

TO THE HONORABLE, THE SENATE
OF THE COMMONWEALTH OF PENNSYLVANIA

I am allowing Senate Bill 922 entitled "An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for custodial care facilities" to become law without my signature. I realize that the House and Senate passed this bill with the best intentions of protecting children in the event an emergency. But, I am allowing it to become law without my signature as a demonstration of my concern for the limited scope of the bill.

The passage of this bill occurred in a very busy week where many weighty bills competed for the attention of leadership and members. In that context, the full debate worthy of this bill could not occur. As a result, the legislature passed a bill that requires only for-profit childcare facilities to provide emergency evacuation plans for the children in their care.

Nine months after I took office, I learned the state did not require emergency planning as a routine aspect of childcare licensure. Given these troubling times, when the potential for such emergencies is greatly increased, I directed the Secretary of Public Welfare to utilize her authority under 55 Pa. Code, §3270.21, §3280.20, and §3290.18 to publish a statement of policy in the December, 2003 Pennsylvania Bulletin requiring *every* child care center, group day care home and family day care home operator to develop an emergency preparedness plan. In concert with the Department of Public Welfare, PEMA created a standard emergency planning tool to guide every childcare provider in creating such a plan. This plan ensured that the provider had all possible phone numbers of parents and relatives of each child. It also required the provider to address how they might transport each child to safety in the case of an emergency. Obviously, these are questions that any substantive health and safety licensure process would require of any childcare entity.

Given that the legislation that was passed speaks to the need for emergency preparedness plans for only a segment of providers, and that it does not exempt the balance of such providers from preparing such plans, I believe our legal authority to require these plans is

maintained through regulation. No one should view this bill as an excuse for not following the Department's policy as outlined in December, 2003 Pennsylvania Bulletin.

The President and former Governor Ridge have urged us all to be vigilant. They call on each of us to be prepared in the case of an emergency. Yet this bill is silent with respect to emergency planning for the evacuation of children for 183,000 children in licensed non-profit or family care entities. This bill provides for the statutory authority to require *a* class of childcare providers to prepare emergency plans. I believe the law of the Commonwealth should require such plans for *all* classes of licensed providers.

I would urge the legislature to pass new legislation that ensures total consistency with this policy by expanding the statutory requirement for emergency plans to all childcare, group day care and family day care homes. I believe the parents in the Commonwealth who rely on these entities expect nothing less.

I am hopeful that you will see the wisdom of including *all* appropriate childcare facilities within the purview of the mandates of this bill and send legislation to me to correct this oversight this fall.



Edward G. Rendell
Governor