



# FEMA

## DISASTER ASSISTANCE POLICY

**I. TITLE: Emergency Assistance for Human Influenza Pandemic**

**II. DATE:** November 25, 2009

**III. PURPOSE:**

To establish the types of emergency protective measures that are eligible under the Public Assistance Program during a Federal response to an outbreak of human influenza pandemic in the U.S. and its territories.

**IV. SCOPE AND AUDIENCE:**

The policy is applicable to all declarations made on or after the date of publication of this policy. It is intended for personnel involved in the administration of FEMA's programs.

**V. AUTHORITY:**

Sections 403 (42 U.S.C. 5121-5206) and 502 (42 U.S.C. 5192) respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act); and 44 CFR § 206.35 **Requests for emergency declarations**, § 206.37 **Processing requests for declarations of a major disaster or emergency**, and § 206.225 **Emergency work**.

**VI. BACKGROUND:**

The Department of Homeland Security (DHS), including the Federal Emergency Management Agency (FEMA), in cooperation and coordination with various State and Federal agencies, is prepared to take appropriate and authorized action in response to requests for Federal assistance through the Stafford Act as a result of a pandemic influenza.

In order to assist States in assessing impacts and evaluating the need for Federal assistance in a pandemic influenza, FEMA has developed these guidelines for requesting Stafford Act assistance from the Federal Government.

**VII. POLICY:**

**A. Emergency Declarations**

1. For the purpose of emergency declarations under the Stafford Act for pandemic influenza, FEMA anticipates that its recommendations to the President will be:



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a. Limited to Public Assistance Emergency Protective Measures, also called "Category B" measures (see further clarification below);

b. Further limited to Direct Federal Assistance (DFA); and

c. That the Federal Government pays 75% of the cost of these direct Federal resources, with the State responsible for the remaining 25%.

2. As with all declaration requests, FEMA utilizes a variety of evaluation criteria and factors, as established under Title 44 Code of Federal Regulations. However, the four primary evaluation criteria for a State request for a pandemic influenza emergency declaration are:

a. Whether the State has directed execution of its State emergency plan; and

b. Whether the requesting State has demonstrated that its incidence of influenza is significantly higher than the State's seasonal average; and

c. Whether the State can demonstrate that effective response to the pandemic event is beyond the capability of the State and affected local governments; and

d. Whether the State has identified *specific*, supplemental direct Federal emergency assistance that is required to save lives, protect public health and safety, or lessen or avert the threat of a disaster.

3. Other federal agencies, such as the U.S. Department of Health and Human Services (HHS), also have authority to provide assistance to support jurisdictions during pandemic events. Assistance provided by FEMA under the Stafford Act may not duplicate assistance provided or available under the authority of another Federal agency.

4. The President retains sole authority to approve all declaration requests, irrespective of any FEMA recommendation.

### **B. Direct Federal Assistance**

1. Under a Presidential declaration as described above, the following Emergency Protective Measure assistance may be provided directly by the Federal Government:



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a. Emergency medical care (non-deferrable medical treatment of disaster victims in a shelter or temporary medical facility and related medical facility services and supplies, including emergency medical transport, X-rays, laboratory and pathology services, and machine diagnostic tests).

b. Temporary medical facilities (for treatment of disaster survivors when existing facilities are overloaded and cannot accommodate the patient load).

c. Purchase and distribution of food, water, ice, medicine, and other consumable supplies.

d. Management, control, and reduction of immediate threats to public health and safety (e.g., to include sanitizing eligible public facilities).

e. Movement of supplies and persons.

f. Security, barricades and fencing, and warning devices.

g. Congregate sheltering (for disaster survivors when existing facilities are overloaded and cannot accommodate survivors' needs).

h. Communicating health and safety information to the public.

i. Technical assistance to State and local governments on disaster management and control.

j. Search and rescue to locate and recover members of the population requiring assistance and to locate and recover human remains.

k. Storage and interment of unidentified human remains.

l. Mass mortuary services.

m. Recovery and disposal of animal carcasses (except if another Federal authority funds the activity - e.g., U.S. Department of Agriculture, Animal, Plant and Health Inspection Service provides for removal and disposal of livestock).

2. Direct Federal assistance may be available through mission assignments (see Attachment #1), internal FEMA capabilities, or a combination of the two.



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DAP9523.17

**VIII. RESPONSIBLE OFFICE:** Disaster Assistance Directorate (Public Assistance Division).

**IX. SUPERSESSION:** This policy supersedes Disaster Assistance Policy 9523.17, Emergency Assistance for Human Influenza Pandemic, dated March 31, 2007, and all previous guidance on this subject.

**X. REVIEW DATE:** This policy does not automatically expire, but will be reviewed 3 years from the date of publication.

A handwritten signature in blue ink that reads "Elizabeth A. Zimmerman". The signature is written in a cursive style and is positioned above a horizontal line.

Elizabeth A. Zimmerman  
Assistant Administrator  
Disaster Assistance Directorate