



# Stafford Act Assistance for Public Health Incidents

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This Insight provides a brief overview of presidential declarations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter the Stafford Act—42 U.S.C. §5121 et seq.) that could be authorized in response to public health incidents. It also provides examples of Stafford Act declarations that have been previously issued to address public health hazards, including infectious disease incidents, which may be relevant to the current outbreak of coronavirus disease 2019 (COVID-19).

## Overview

The Stafford Act authorizes the President to issue two types of declarations that could provide federal assistance to states and localities in response to a public health incident: an “emergency declaration” or a “major disaster declaration.”

## Emergency Declarations

An emergency is defined broadly, and arguably may include public health incidents. The Stafford Act defines an emergency as

any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States (42 U.S.C. §5122(1)).

Emergency declarations can be issued before an incident when a threat is detected (for example, before a hurricane makes landfall) to supplement and coordinate local and state, tribal, or territorial response efforts. As traditionally implemented, however, the Stafford Act does not supplant or supersede other federal authorities directed at public health incidents, such as those exercised by the [Secretary of Health and Human Services](#).

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## Emergency Declaration Assistance

Emergency declarations typically authorize Public Assistance (PA), which supplements the ability of a state, territory, or tribe to respond to an incident. Emergency declarations may authorize two forms of PA: debris removal and emergency protective measures. Most assistance related to public health incidents has been delivered through emergency protective measures undertaken to reduce an immediate threat to life, public health, or safety, including emergency shelter and medicine, hazard communication, and provision and distribution of necessities. Individual Assistance (IA), which helps families and individuals respond to post-disaster needs, can also be made available through an emergency declaration. Emergency declarations do not authorize hazard mitigation assistance for projects that may reduce the loss of life and property from future disasters.

## Major Disaster Declarations

Compared to emergency declarations, major disaster declarations authorize a wider range of federal assistance to states, territories, local governments, tribal nations, individuals and households, and certain nonprofit organizations to respond to and recover from catastrophic incidents. The state or territorial governor or tribal chief executive must request a major disaster declaration. The Stafford Act defines a major disaster as

any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of states, tribes, territories, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby (42 U.S.C. §5122(2)).

The list of events that explicitly qualify for a major disaster declaration does not include outbreaks of infectious diseases. Decisionmakers who interpret the definition literally may be disinclined to issue a major disaster declaration for outbreaks. Under current law, a major disaster declaration has not been authorized in response to a public health incident of any type. Additionally, infectious disease outbreaks are unlikely to cause physical damage to public infrastructure—a key threshold used to determine eligibility for a major disaster declaration.

## Major Disaster Declaration Assistance

In addition to the assistance provided through an emergency declaration, major disaster declarations authorize assistance for structural repair that may not be relevant for an infectious disease response. Major disaster assistance includes PA Permanent Work, to repair damage to public infrastructure; several forms of IA; and hazard mitigation assistance through the Hazard Mitigation Grant Program (HMGP) for projects that may reduce the loss of life and property from future disasters.

## Presidential Declarations for Public Health Incidents

Since the 1960s, emergencies and disasters have been declared sporadically for public health incidents. Examples include major disaster declarations for the 1962 [Louisiana](#) and [Mississippi](#) chlorine barge accident, and emergency declarations for the evacuation of the New York Love Canal Chemical site in [1978](#) and [1980](#). These declarations were made under the authority of the Disaster Relief Act, federal disaster assistance legislation that preceded the Stafford Act and defined a major disaster more broadly.

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The Stafford Act in 1988 superseded the Disaster Relief Act and narrowed the definition of a major disaster. Under current law, public health incidents have only received emergency declarations.

Below are examples of emergency declarations for public health incidents.

### **West Nile Virus: New York and New Jersey**

On October 11 and November 1, 2000, President Clinton issued emergency declarations for New York and New Jersey to supplement state efforts to address the threat of the West Nile virus, a mosquito-borne virus. The assistance included state reimbursement of mosquito abatement eligible under the PA program. These are the only instances of a Stafford Act declaration in response to an infectious disease incident.

### **West Virginia Chemical Spill**

On January 10, 2014, President Obama issued an emergency declaration for a chemical spill in West Virginia. The declaration helped deliver potable water and provided technical assistance to the state's emergency management staff.

### **Flint, Michigan Water Contamination**

On January 16, 2016, President Obama issued an emergency declaration for the state of Michigan for the Flint water contamination incident. The declaration authorized assistance for water, water filtration equipment, testing kits, and other related items.

### **For More Information**

CRS Report R46219, *Overview of U.S. Domestic Response to Coronavirus Disease 2019 (COVID-19)*

CRS In Focus IF11421, *COVID-2019: Global Implications and Responses*

CRS Report R43784, *FEMA's Disaster Declaration Process: A Primer*

CRS Report R41981, *Congressional Primer on Responding to Major Disasters and Emergencies*

### **Author Information**

Bruce R. Lindsay  
Analyst in American National Government

Erica A. Lee  
Analyst in Emergency Management and Disaster  
Recovery

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