



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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February 7, 2020

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Economic Development, Public Buildings, and
Emergency Management
FROM: Staff, Subcommittee on Economic Development, Public Buildings, and Emergency
Management
RE: Subcommittee Hearing on “Animals in Disasters”

PURPOSE

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Wednesday, February 12, 2020, at 10:00 a.m. in 2167 Rayburn House Office Building, to receive testimony on “Animals in Disasters.” At the hearing, Members will receive testimony regarding several matters concerning animals in disasters. The Subcommittee will hear from the American Society for the Prevention of Cruelty to Animals; the North Carolina Department of Agriculture and Consumer Services; the Texas A&M University Veterinary Emergency Team; and Fairfax County, Virginia’s Fire & Rescue Department, the sponsoring agency of Virginia Task Force 1, a member team of the Federal Emergency Management Agency’s (FEMA) Urban Search & Rescue System.

BACKGROUND

The Subcommittee has conducted significant oversight of FEMA for several years, following an increase in the volume of Presidentially-declared disasters and emergencies.¹ Additionally, we

¹ <https://www.fema.gov/disasters/year>.

have observed an increase in the severity of losses from disasters, increasing Federal spending to recover from costly events, and sometimes an increase in the scale of these hazard events.²

Animals and veterinary issues are often overlooked when examining the full cycle of emergency management – planning, preparedness, response, recovery, and mitigation. However, in the wake of recent disasters, there are clear challenges — for first responders and their working dogs, individuals and families and their domesticated animals, and farmers and their livestock — which go beyond existing statutory considerations and Federal assistance.

Under the Americans With Disabilities Act (ADA), State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.³

Federal Assistance related to Animals in Disasters

FEMA – Service Animals and Pets

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, mentions pets and service animals four times.⁴ These references reflect statutory changes resulting from the Post-Katrina Emergency Management Reform Act (PKEMRA, [P.L. 109-295](#)) and the Pets Evacuation and Transportation Standards Act of 2006 (PETS Act, P.L. 109-308).

Post-Katrina examinations of the disaster survivor population indicated that 44% of those who failed to evacuate did so because they did not want to leave behind their pets.⁵ Americans treat their pets as family members — in 2018, pet owners spent \$72.56 billion dollars on pet-related expenditures, nearly doubling what was spent in 2005, when Hurricanes Katrina, Rita, and Wilma all made landfall.⁶ Hurricanes Katrina, Rita, and Wilma were amongst the most deadly, costly, devastating storms to date.⁷

PKEMRA and PETS transformed emergency management at the State and local levels, allowing not only for advance planning for evacuation plans, sheltering, and food and water for pets and service animals, but also for Federal cost-share assistance to cover related execution of these plans. Since enactment of these laws, many communities have been able to plan better and ensure that when those in harm's way are instructed to evacuate, local shelters are appropriately equipped to accommodate pets and service animals, as well.

² Munich Re (2012). "Severe weather in North America – Perils Risk Insurance." Munich, Germany: Muchener Ruckversicherungs-Gesellschaft.

³ U.S. Department of Justice, Civil Rights Division, Disability Rights Section, "ADA Requirements – Service Animals." Available at https://www.ada.gov/service_animals_2010.pdf.

⁴ Stafford Act (42 U.S.C. §§5121 et seq.), Sec. 403(3)(J), Sec. 611(e)(4), Sec. 611(j)(2), and Sec. 613(g). Available at <http://bit.ly/FEMA-Stafford>.

⁵ Fritz Institute, "Hurricane Katrina: Perceptions of the Affected." Available at http://www.fritzinstitute.org/PDFs/findings/Hurricanekatrina_Perceptions.pdf.

⁶ American Pet Products Association. "Pet Industry Market Size & Ownership Statistics," Available at https://www.americanpetproducts.org/press_industrytrends.asp.

⁷ U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Hurricane Center, "Costliest U.S. tropical cyclones tables update." Available at <https://www.nhc.noaa.gov/news/UpdatedCostliest.pdf>.

In recent disaster events, FEMA and local emergency managers have relied on voluntary agencies and organizations to assist with both emergency veterinary services and relocation of thousands of evacuated and surrendered animals.⁸ While many of these animals were reunited with their families following the initial disaster, there are hundreds that were not. There are currently no Federal requirements when it comes to consistent tracking of pet reunifications following disaster.

Section 1218 of the Disaster Recovery Reform Act (DRRA, Division D of [P.L. 115-254](#)) authorized the establishment of one or more veterinary emergency teams at accredited colleges of veterinary medicine. The intent behind Sec. 1218 was for the veterinary team, or teams, to care for canine search teams, companion animals, service animals, livestock, and other animals; to recruit, train, and certify veterinary professionals, including veterinary students, regarding emergency response; to assist State governments, Indian tribal governments, local governments, and nonprofit organizations in emergency planning for animal rescue and care; and to coordinate with other Federal, State, local, and Indian tribal governments, veterinary and health care professionals, and volunteers. However, with regards to Section 1218, “FEMA determined that this authority is outside the scope of FEMA’s mission and duplicates capabilities already provided by HHS and USDA.”⁹ The experiences of existing non-Federal veterinary teams active in recent disasters provide evidence that additional Federal resources are needed in this area.

FEMA – Urban Search and Rescue System

First established following the 1989 Loma Prieta earthquake,¹⁰ and formally authorized in PKEMRA, FEMA manages a National Urban Search And Rescue (USAR) System, comprised of 28 task forces located across the continental United States.¹¹ In the event of an emergency or disaster, FEMA can deploy the three closest task forces within six hours of notification and additional teams as needed.¹²

These task force teams are comprised of career and volunteer first responders, including firefighters, engineers, medical professionals, and canine/handler teams with specialized skillsets and training.¹³ Urban search and rescue task forces support State and local emergency response efforts by conducting physical search and rescue operations; providing emergency medical care; assessing damage and providing feedback to local, State, and Federal officials; assessing and shutting off utilities; surveying and evaluating hazardous material threats; providing structural and hazard evaluations; stabilizing damaged structures; and carrying out search and rescue operations in a water environment.¹⁴

⁸ Domesticpreparedness.com, “Animal Relocation After Disaster – Four Cases in 2017.” Available at <https://www.domesticpreparedness.com/resilience/animal-relocation-after-disaster-four-cases-in-2017/>.

⁹ FEMA DRRA Implementation Snapshot dated July 1, 2019 and provided to the Committee.

¹⁰ The Federal Response to Hurricane Katrina: Lessons Learned, The White House (Feb. 2006), available at http://www.floods.org/PDF/Katrina_Lessons_Learned_0206.pdf.

¹¹ FEMA, National Urban Search & Rescue Response System: Task Force Locations, available at <http://www.fema.gov/task-force-locations>.

¹² Federal Emergency Management Agency, National Urban Search and Rescue Response System Operations Manual, (September 2012), available at <http://www.usarcd.org/forms/manuals/Operations%20Manual%2012-001.pdf>.

¹³ U.S. Government Accountability Office, GAO-16-87, Disaster Response: FEMA Has Made Progress Implementing Key Programs, but Opportunities for Improvement Exist 5-6 (2016).

¹⁴ FEMA, Urban Search & Rescue Participants, available at <https://www.fema.gov/urban-search-rescue-participants>.

The canine/handler teams of the national USAR System, as well as the non-federal USAR teams, are currently not guaranteed protections like those for service animals when it comes to their commercial travel, lodging, and dining services while activated.¹⁵ The Committee has heard reports that this lack of parity has resulted in challenges for some Federal teams, but also for local teams serving under Emergency Management Assistance Compact (EMAC) activations.

U.S. Department of Agriculture (USDA) - Cattle, Livestock, and Poultry

Animals impacted in disasters not only include pets, companion animals, and service animals, but also cattle, livestock, and poultry critical to farming communities. The potential impacts related to managing livestock in the planning for, response to, and recovery from disasters can be significant given the potential impact on State, local, tribal, and territorial economies. For example, agriculture, food, and related industries represented 5.4% of the Nation's gross domestic product or \$1.053 trillion in 2017.¹⁶ Cash receipts for animals and related products in 2018 was over \$176 billion.¹⁷ More broadly, the impact could include the Nation's food supply depending on the severity of the disaster.

As with other animals, planning for livestock in disasters includes evacuation plans, sheltering, and food and water.¹⁸ However, preparedness for and response to impacts on livestock has its own unique challenges. For example, mitigating against and responding to large scale animal mortality post-disaster is critical to public health and safety. Livestock, cattle, poultry, and other large animals, in the context of farms and agriculture, typically involve a high number of animals that must be managed in developing preparedness and response plans. For example, while small pets may be more easily accommodated during evacuations, the solutions for herds of cattle may be to shelter in place.

There are a number of disaster assistance programs available through the USDA such as: the Livestock Forage Disaster Program (LFP); the Livestock Indemnity Program (LIP); the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP); and the Emergency Loan Program (EM). The LFP, LIP, and ELAP were all first authorized by the 2008 Farm Bill and reauthorized in 2018.¹⁹

The LFP provides compensation to eligible livestock producers that have suffered grazing losses due to drought or fire on land that is native or improved pastureland with permanent vegetative cover or that is planted specifically for grazing.²⁰ LFP payments for drought are equal to

¹⁵ Department of Justice, "Nondiscrimination on the Basis of Disability in State and Local Government Services" 75 Fed. Reg. 56164 (September 15, 2010). Available at <https://www.govinfo.gov/content/pkg/FR-2010-09-15/pdf/2010-21821.pdf>.

¹⁶ USDA, Economic Research Service, using data from U.S. Department of Commerce, Bureau of Economic Analysis, Value Added by Industry series. Available at <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/ag-and-food-sectors-and-the-economy/>.

¹⁷ USDA, Economic Research Service, Farm Income and Wealth Statistics, November 27, 2019.

¹⁸ "Do You Have a plan for Your Livestock Should Disaster Strike?" USDA Preparedness Factsheet, October 2016; *See also* "Large animals and livestock in disasters," American Veterinary Medical Association. <https://www.avma.org/resources/pet-owners/emergencycare/large-animals-and-livestock-disasters>.

¹⁹ P.L. 110-246; *see also* P.L. 115-334.

²⁰ USDA, Livestock Forage Disaster Program Factsheet, July 2019. Available at https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2019/livestock_forage_disaster_program-fact_%20sheet_july-2019.pdf/.

60 percent of the monthly feed cost for up to 5 months, depending upon the severity of the drought. LFP payments for fire on Federally managed rangeland are equal to 50 percent of the monthly feed cost for the number of days the producer is prohibited from grazing the managed rangeland, not to exceed 180 calendar days.²¹ There is a \$125,000 annual payment limit for payments under this program.²² LFP activity in FY 2018 included 89,332 payments totaling \$487,454,684.²³

The LIP provides benefits to livestock producers for livestock deaths in excess of normal mortality caused by adverse weather or by attacks by animals reintroduced into the wild by the Federal government. LIP payments are equal to 75 percent of the average fair market value of the livestock. It also provides benefits for the sale of animals at a reduced price if the sale occurred due to injury that was a direct result of an eligible adverse weather event or due to an attack by an animal reintroduced into the wild. There is no longer a payment limit on assistance provided under this program. During FY 2018, LIP activity included 4,792 payments totaling \$36,615,003.²⁴

The ELAP provides emergency assistance to eligible producers of livestock, honeybees and farm-raised fish for losses due to disease (including cattle tick fever), adverse weather, or other conditions, such as blizzards and wildfires, not covered by LFP and LIP. As with LIP, there is no longer a payment limit on assistance provided under this program. During FY 2018 ELAP activity included 3,770 payments totaling \$47,064,049.²⁵

While these assistance programs are available through USDA, there remain gaps in planning and assistance for animals in disasters.²⁶

USDA – Animal Welfare Act

The Animal Welfare Act (AWA, [P.L. 89-544](#)) was signed into law in 1966. It is the only Federal law in the United States that regulates the treatment of animals in research, exhibition, transport, and by dealers. Other laws, policies, and guidelines may include additional species coverage or specifications for animal care and use, but all refer to the AWA as the minimum acceptable standard.²⁷

Under the AWA, certain facilities are Federally licensed. There is currently no Federal requirement for facilities holding an AWA license to have emergency or disaster plans in place. This puts animals in these facilities – and the responders who take action to rescue them – at particular risk. During both Hurricane Katrina and Superstorm Sandy, thousands of animals in AWA-licensed facilities perished due to flood.²⁸

²¹ Id.

²² Id.

²³ President’s FY2020 Budget Request, USDA Farm Service Agency Congressional Justification. Available at <https://www.obpa.usda.gov/24fsa2020notes.pdf>.

²⁴ Id.

²⁵ Id.

²⁶ Heath SE, Linnabary RD, “Challenges of Managing Animals in Disasters in the U.S. Animals,” Published 2015 Mar 26, US National Library of Medicine, National Institutes of Health.

²⁷ “Animal Welfare Act,” USDA National Agriculture Library, available at <https://www.nal.usda.gov/awic/animal-welfare-act>.

²⁸ Slate, “Sandy’s Toll on Medical Research.” Available at <https://slate.com/technology/2012/11/animals-drowned-in-sandy-nyu-medical-research-is-set-back-years-by-dead-laboratory-mice.html>; *see also* The Hill, “The PREPARED Act will

WITNESS LIST

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protect vulnerable animals when disaster strikes,” available at <https://thehill.com/blogs/congress-blog/politics/462453-the-prepared-act-will-protect-vulnerable-animals-when-disaster>.