

Animal Issues In Emergency Management

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Much discussion, and often confusion, arises when animal issues are considered in light of emergency management planning and response. This brief is being prepared and distributed as a reference to be utilized by jurisdictions when assessing their needs and obligation toward animal components within their plans. The “PETS Act of 2006” sets standards for emergency preparedness plans via ensuring such plans, upon review, include provisions for addressing individuals with household pets and service animals. FEMA Disaster Assistance Policy 9523.19 then offers definition of what constitutes a household pet or service animal. Article 50 of Title 35 of the Colorado Revised Statutes provides a definition of livestock as utilized within this state. Key features of each will be addressed separately then collectively summarized.

Pets Evacuation and Transportation Standards Act of 2006

The purpose of this act was “to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency”.

To accomplish the foregoing, amendments were placed into three sections [613(b)(3), 611 (e & j), 403(a)(3)] of the ‘Stafford Act’. The amendments in sections 613 and 403 refer to “individuals with household pets and service animals”. The amendments in section 611 refer to “people with pets and service animals”. Key words here are *individuals with* and *people with* noting the focus is upon the person and only secondarily upon an animal. One of the amendments to section 403, when addressing “provisions of rescue, care, shelter, and essential needs” speaks solely “(ii) to such pets and animals”. This statement has been touted by some individuals as prescribing an obligatory need to address all animals. This is not the case. Both paragraph structure (ii) as a sub listing to (i) and the word ‘such’ place the reference specifically back to “individuals with household pets and service animals” as stated in (i). The intent of this provision is to assure that animals associated with rescued individuals are evacuated, cared for, sheltered, etc. as are their owners.

A legal opinion regarding the foregoing was sought from the Colorado Attorney Generals’ Office. They responded, stating; After looking at the act and these sections in their whole, Section 5170b(a)(3) reads: “Federal agencies may...provide assistance

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essential to meeting immediate threats to life and property from a major disaster, as follows...work and services to save lives and to protect property. Performing on public or private lands...any work...essential to saving lives and protecting and preserving property...including,...provision of rescue, care, shelter and essential needs...to individuals with household pets; and to such pets and animals.” This section speaks to saving lives of persons, not of animals. The reference to animals is limited to those that are household pets/service animals that are necessary to facilitate life-saving activity. The other two sections, as amended, also support this conclusion.

Thus, the ‘PETS Act’ amended the ‘Stafford Act’ to assure local and State plans provide for accommodating pets or service animals specifically associated with individuals requiring rescue, care, shelter and the provision of essential needs. The act does not obligate planning nor care of any animal beyond those associated with rescued individuals.

FEMA Disaster Assistance Policy 9523.19

“The purpose of this policy is to identify the expenses related to State and local governments’ emergency pet evacuation and sheltering activities that may be eligible for reimbursement following a major disaster or emergency declaration.”

“Household Pet. A domesticated animal, such as a dog, cat, bird, rabbit, rodent, or turtle that is traditionally kept in the home for pleasure rather than for commercial purposes, can travel in commercial carriers, and be housed in temporary facilities. Household pets do not include reptiles (except turtles), amphibians, fish, insects/arachnids, farm animals (including horses), and animals kept for racing purposes.”

“Service Animal” [Department of Justice, Americans with Disabilities Act (ADA) 42USC 1201 et seq, implementing regulation at 28 CFR 36.104] “Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

This policy addresses a number of other reimbursement criteria. Of note is reimbursement for “Household Pet Rescue” is only made to government entities. Contractors, private nonprofit groups or the like cannot be reimbursed directly, but rather must be paid by the applicable local or state government entity. Further, such reimbursement can only occur if activities were conducted to address life safety or health issues. General rescue or care of animals within the incident area most likely would not qualify as a reimbursable activity.

Article 50 of title 35, Colorado Revised Statutes, Livestock Health Act

This statute deals specifically and only with animal disease but does offer a statutory definition for livestock within the state of Colorado. “Livestock means cattle, sheep, goats, bison, swine, mules, poultry, horses, alternative livestock as defined in section 35-41.5-102(1), and all other domesticated animals raised or kept for profit.”

Whereas agricultural activities and enterprises are not covered within the Stafford Act, and whereas USDA does not have programs to directly support emergency activities aside from animal disease, it therefore is highly unlikely any expenses for rescue, care, sheltering, or providing other essential needs to ‘livestock’ would constitute a reimbursable expense.

Summary

Animal issues, exclusive of specified livestock disease outbreaks, are the responsibility of the local jurisdiction within which an emergency event occurs. The PETS Act mandates that local jurisdictions, and the State collectively, provide for plans that address the needs of individuals with household pets or service animals. Beyond this, a local jurisdiction is not legally obligated to provide any further aid related to animals nor should they expect Federal reimbursement for providing such aid.

Local jurisdictions could, and oft times do, plan to assist animal owners/animals beyond the scope of the PETS Act. Rescue and sheltering of horses utilized by private citizens for recreational purposes serves as a good example. These activities are well intentioned but resources need to be identified and arranged for and provisions for the assumption of liability and fiscal payment for such resources made at the local level with the full understanding these most likely will remain as a direct cost to the jurisdiction.