Emergency Legal Preparedness 2017 - Hurricanes Harvey and Irma

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• Federal Declared Emergencies
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• Emergency Legal Preparedness Issues
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Impact of Hurricane Harvey

- 8/25/17: Hurricane Harvey (Cat-4), made landfall NE of Corpus Christi, TX
- Harvey moved offshore then made a second landfall on the NE shore of Copano Bay, TX
- 8/26/17: Officials downgraded Harvey to a tropical storm
- 8/30/17: Harvey makes landfall in Cameron, LA
- As of 9/7/17, at least 70 people have been killed; tens of thousands seek temporary shelter
- Some areas received > 50 inches of rain
Hurricane Irma: Impact

- 9/6/17: Hurricane Irma (Cat-5) raked U.S. Virgin Islands and Puerto Rico, killing at least 7 people
- 9/8/17: Irma downgraded to Cat-4
- 9/10/17: Irma made landfall in Florida Keys as a Cat-4 storm. By day’s end, Irma was downgraded to **Cat-2 storm**
- As of 9/12/17, Irma downgraded to a tropical depression and travelling through the Southeast U.S.
Impact of Hurricane Irma

As of 9/12/17:

- More than **6.5 million people** in Florida ordered to evacuate
- U.S. death toll estimate: at least **12 people**
- Caribbean death toll estimate: at least 37 people
- Florida power outages: estimates range from **5.4 million** to **6.7 million**
- Flooding reported in Florida, South Carolina, and Georgia
### Current Emergency Declarations*

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* Last updated 9/12/17
Hurricane Harvey:
- 8/25/17: **Major Disaster Declaration** in 28 Texas counties
- 8/28/17: **State of Emergency** in Louisiana

Hurricane Irma:
- 9/5/17: **Emergency Declarations** for Florida and Puerto Rico
- 9/7/17: **Emergency Declarations** for South Carolina and Georgia and a **Major Disaster Declaration** for the U.S. Virgin Islands
- 9/8: **Emergency Declaration** for Alabama
Strengthening Hurricane Harvey Responses: Impact of Federal Emergency Disaster Declarations

• According to a White House statement, the federal emergency declaration in TX directed the following federal aid toward recovery efforts:
  "Assistance can include grants for temporary housing and home repairs, low-cost loans to cover uninsured property losses, and other programs to help individuals and business owners recover from the effects of the disaster."

• According to Vice President Pence, the federal emergency declaration in TX enabled more than 8,500 federal personnel to be deployed to SE Texas

• FEMA, in coordination with Department of Defense, established 3 Incident Support Bases in TX and LA to pre-position supplies like water, meals, blankets, and generators for disbursement upon request by state partners
Federal Public Health Emergencies

• HHS Secretary Tom Price declared the following Public Health Emergencies under section 319 of the Public Health Service Act:
  • 8/26/17: Texas
  • 8/28/17: Louisiana
  • 9/6/17: Puerto Rico, U.S. Virgin Islands
  • 9/7/17: Florida
  • 9/8/17: Georgia and South Carolina
• Sec’y Price acted under the Social Security Act to temporarily waive or modify certain Medicare, Medicaid, and Children’s Health Insurance Program requirements to provide emergency relief
Texas Emergency Declarations

- 8/23/17: prior to Harvey’s arrival, Texas Gov. Greg Abbott declared a state disaster for 30 Texas counties
- Operations Center elevated its readiness level and made available state resources to assist in preparation, rescue, and recovery efforts
- Texas’ Supreme Court and Court of Criminal Appeals issued an emergency order authorizing modification and suspension of court procedures
- Between 8/26/17-8/28/17: Gov. Abbott added 28 more counties to the state disaster declaration
- 8/27/17: Gov. Abbott established a Texas National Guard Dual Status Command to allow for a single commander of state and federal response forces; a day later he activated the entire Texas National Guard to assist in search and rescue efforts
8/24/17: Gov. John Bel Edwards declared a **state of emergency** for the state of Louisiana:

“All arms of the state’s emergency preparedness and response apparatus are planning for the serious threat posed by Hurricane Harvey, and we are calling on all Louisianans throughout the state to do so as well. I will continue to direct all of the necessary resources to prepare[e] for the worst . . . State and local officials are working around the clock to monitor and respond to this potentially dangerous situation.”

– Gov. Edwards
9/4/17: Gov. Rick Scott declared a state of emergency for all 67 Florida counties:

“This state of emergency allows our emergency management officials to act swiftly in the best interest of Floridians without the burden of bureaucracy or red tape.”

– Gov. Scott
• 9/6/17: Gov. Henry McMaster declared a **state of emergency** for South Carolina
• 9/8/17: Gov. McMaster **ordered** the mandatory evacuation of certain barrier islands
• He also signed an **executive order** calling for the immediate evacuation of 143 hospitals and nursing homes in 8 coastal counties
9/6/17: Gov. Nathan Deal declared a **state of emergency** for 6 Georgia counties prohibiting price gouging and waiving rules and regulations for vehicles transporting supplies, equipment, personnel, goods and services to assist with disaster relief

9/8/17: Gov. Deal **ordered** mandatory evacuations of certain areas

9/10/17: Gov. Deal **expanded the state of emergency** to all 159 counties in Georgia
• 9/6/17: North Carolina Gov. Roy Cooper declared a **State of Emergency** for all 100 counties.

• He also **ordered** a temporary suspension of motor vehicle regulations to ensure the restoration of utility services and transporting essentials, such as food and medicine.
Emerging Legal Preparedness Issues

- Community Paramedical Responses
- State + Local Preparedness
- Allocation of Scarce Resources + Ethics
- Mental + Behavioral Health Preparedness
- Crisis Standards of Care
- Federal Public Health Emergencies
- Public Health Emergency Powers
- Liability of Health Care Workers + Entities
- Hospital Emergency Plans
- Emergency Declarations + Powers
Recommended Resources

- **Expanding the Roles of Emergency Medical Services Providers: A Legal Analysis** (covering roles of EMS providers)
- **Legal Liability Protections for Emergency Medical/Public Health Responses**
- **Legal Issues Concerning Volunteer Health Professionals and the Hurricane-Related Emergencies In The Gulf Coast Region**
- **Emergency Management Assistance Compact** (EMAC) (re: EMAC implementation)
- **When Law Is Not Law: Setting Aside Legal Provisions during Declared Emergencies** (re: waiver and suspension of state laws to address emergency conditions)
- **§ 1135 Waivers** (on emergency waiver authority via Social Security Act)
Questions or comments?

Ask the Network for guidance or assistance on associated legal and policy issues:

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