
RESOLUTION NUMBER: 15 Approved

SOURCE: COMMITTEE ON ANIMAL EMERGENCY MANAGEMENT

**SUBJECT MATTER: Emergency Management Assistance Compacts for
Agriculture**

BACKGROUND INFORMATION:

The United States (US) Department of Homeland Security, Federal Emergency Management Agency, Emergency Management Assistance Compact (EMAC) is a national interstate mutual aid agreement that enables states to share resources during times of disaster. Since the 104th Congress ratified the compact, EMAC has become the nation's system for providing mutual aid through operational procedures and protocols. EMAC is administered by the National Emergency Management Association (NEMA), which is headquartered in Lexington, KY. EMAC complements the federal disaster response system, providing timely and cost-effective relief to states requesting assistance from member states who understand the needs of jurisdictions struggling to preserve life, the economy and the environment. EMAC can be used either in lieu of federal assistance or in conjunction with federal assistance, thus providing a "seamless" flow of needed goods, services and personnel to an impacted state. EMAC provides another venue for mitigating resource deficiencies by ensuring maximum use of all available resources within member states' inventories.

The 13 articles of the compact set the foundation for sharing resources from state to state and have been adopted by all 50 states, the District of Columbia, the United States Virgin Islands, and Puerto Rico and are ratified by US Congress (PL-104-321).

The four most commonly referenced articles of the compact (Articles V, VI, VIII, and IX) address the primary concerns of personnel and states offering and receiving assistance. The articles address legal and health issues not covered by standard contracts:

Article V - Licenses and Permits

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared

emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

Article VI - Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

Article VIII - Compensation

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their state.

Article IX - Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

The United States Animal Health Association (USAHA) recognizes the importance of this process and how invaluable EMAC could be for animal agriculture disease events, such as highly pathogenic avian influenza (HPAI), African swine fever, and foot-and-mouth disease (FMD). Alabama, Georgia, Mississippi, North Carolina, Tennessee and Virginia sent personnel and other resources supported by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) through direct contract and EMAC to assist Iowa and Minnesota during the 2015 HPAI event. As in 2015, USDA-APHIS-VS resources were significantly reduced early in the 2022-2023 HPAI event, leaving USDA-APHIS-VS at a disadvantage in responding to all affected states similarly. As they did during the 2015 HPAI event, states worked together with USDA-APHIS-VS to control the 2022-2023 outbreaks, however

EMAC was not utilized. In addition to the excellent USDA Incident Management Teams (IMTs) that USDA-APHIS-VS maintains for such situations, state personnel want a consistent, legal, and reliable mechanism to assist other states. EMAC was repeatedly brought up as a means to do so in both the 2020 Foreign Animal Disease Southern Agriculture Functional Exercise (FAD SAFE) and 2022-2023 HPAI events, but there is not currently an effective mechanism within USDA-APHIS-VS to utilize it on behalf of national agriculture events. Supporting EMAC aligns with other USDA-APHIS-VS initiatives to increase state capabilities and capacities, such as the National Animal Disease Preparedness and Response Program (NADPRP) and recent FMD functional exercises (Agriculture Resource Management and Response and FAD SAFE). EMAC provides another means to effectively share resources states have obtained through NADPRP to rapidly respond to events that affect national and international trade.

Even though EMAC has been successfully used in human disaster and disease response events and serves as a personnel and resource force multiplier, it has not been fully incorporated into the standard framework of the Unified State-Federal Animal Agriculture Disease Response. A collaborative state-federal emergency management approach would benefit multiple stakeholders by establishing a standard process for activating the system at the state level and providing reimbursement through cooperative agreements or other financial routes. Once the process is established, USAHA and USDA-APHIS-VS could work together to educate federal and state personnel on using the EMAC process for foreign animal disease response activities.

RESOLUTION:

The United States Animal Health Association (USAHA) requests that the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) participate on a working group of the USAHA Committee on Animal Emergency Management (CAEM) to review the existing state Emergency Management Assistance Compact (EMAC) request structure and assist states in creating a document that develops how animal agricultural EMAC requests can be made with current USDA-APHIS-VS funding structures when animal disease management events occur. This working group should be represented by three state animal health officials, three EMAC subject matter experts, and three USDA-APHIS-VS officials and report findings to CAEM at the next USAHA meeting.

INTERIM RESPONSE:

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) recognizes the concerns of the United States Animal Health Association (USAHA) and appreciates the opportunity to respond.



2023 Resolution
127th Annual Meeting
Oct. 12-18, 2023
National Harbor, MD

While APHIS VS cannot commit to funding as described in this resolution, we will commit to representation on the working group, as requested.