



Stafford Act Assistance for Public Health Incidents

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This Insight provides an overview and examples 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.](#)) in response to public health incidents including contagious diseases and water contamination. Such declarations have increased in recent years.

Overview

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

Emergency Declarations

An emergency is defined broadly, and arguably includes 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 may be issued upon detecting a threat (for example, before a hurricane makes landfall) to assist local and state, tribal, or territorial response efforts. The Stafford Act is not to supplant

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or supersede other federal authorities directed at public health incidents, such as those exercised by the [Secretary of Health and Human Services](#).

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 PA for debris removal and emergency protective measures undertaken to reduce an immediate threat to life, public health, or safety (e.g., emergency medical care, hazard communication, and provision of necessities). In rare cases, [Individual Assistance \(IA\)](#) for survivors responding to post-disaster needs may also be available. Emergency declarations do not authorize hazard mitigation assistance designed to reduce the losses from future disasters.

Major Disaster Declarations

Major disaster declarations authorize a wider range of federal assistance than emergency declarations. A 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 infectious diseases or contamination incidents. Under current law, public health incidents had only received emergency declarations until 2020. That year, all 50 states, five territories, three tribes, and the District of Columbia received major disaster declarations for the COVID-19 pandemic.

Major Disaster Declaration Assistance

In addition to the assistance available through an emergency declaration, major disaster declarations may authorize assistance for structural repair that may not be relevant for public health incidents. Major disaster declarations may also authorize several [forms of IA](#) and [hazard mitigation assistance](#).

Presidential Declarations for Public Health Incidents

Since the 1960s, emergencies and disasters have been declared sporadically for public health incidents. These types of declarations have become more common in recent years. Historical examples include major disaster declarations for the 1962 chlorine barge accident in [Louisiana](#) and [Mississippi](#) and

emergency declarations for the evacuations of the New York Love Canal Chemical site in 1978 and 1980. These declarations were made under the authority of the Disaster Relief Act, the federal disaster assistance legislation that preceded the Stafford Act (and defined a “major disaster” more broadly).

The Stafford Act in 1988 superseded the Disaster Relief Act and narrowed the definition of a major disaster.

Below are examples of Stafford Act declarations for public health incidents.

West Nile Virus: [New York and New Jersey](#)

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 (October 11 and November 1, 2000). The assistance included reimbursement of mosquito abatement eligible under the PA program.

Chemical Spill: [West Virginia](#)

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

Water Contamination: [Flint, Michigan](#)

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

COVID-19 Pandemic: [Nationwide](#)

President Trump issued an unprecedented nationwide Stafford Act emergency declaration on March 13, 2020 under Stafford Act 501(b) for the COVID-19 pandemic. Subsequently, President Trump issued the Stafford Act [major disaster declarations](#) for the pandemic – the first Stafford Act major disaster declarations for an infectious disease. Fifty states, five territories, the District of Columbia, and three tribes received major disaster declarations authorizing PA for emergency protective measures including assistance for [vaccination](#) and [emergency medical care, certain forms of IA, and hazard mitigation assistance](#).

Health Impact From Sargassum Seagrass Influx: [US Virgin Islands](#)

President Biden declared an emergency in the U.S. Virgin Islands for “[a water shortage and health impact from unprecedented sargassum seagrass influx](#)” (July 25, 2022). The declaration provided PA for emergency protective measures for 90 days, which was subsequently extended. [Publicly available data](#) reflect assistance provided for sargassum disposal, management, and federal operational support.

Water Crisis: [Mississippi](#)

President Biden declared an emergency in Mississippi for “[a water crisis](#)” (August 30, 2022), providing time-limited PA for 90 days (which was later extended). [Publicly available data](#) reflect PA funding provided for drinking water and management costs and federal testing of water supplies, among others.

Seawater Intrusion: [Louisiana](#)

President Biden declared an emergency in Louisiana for seawater intrusion (September 27, 2023), authorizing PA for emergency protective measures “[limited to temporary measures that address reduced water treatment capability](#)” for 90 days (which was subsequently extended [by 45 days](#)).

Lead and Copper in the Water Supply: [U.S. Virgin Islands](#)

President Biden declared an emergency for “elevated levels of [lead and copper](#) in the water supply” (November 18, 2023), authorizing PA for emergency protective measures “[to provide water, other necessary related items such as filters and testing, and technical assistance](#)” for 90 days.

For More Information

CRS Report R47048, *FEMA’s Role in the COVID-19 Federal Pandemic Response*

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

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

CRS In Focus IF11302, *Controlling Lead in Public Drinking Water Supplies*

CRS Podcast WPD00069, *Science and Technology Podcast: Saltwater Intrusion in the Lower Mississippi River*

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