



FEMA

DISASTER ASSISTANCE POLICY

DAP9524.9

I. TITLE: **Replacement of Animals Associated with Eligible Facilities**

II. DATE: **AUG 18 2008**

III. PURPOSE:

This policy provides guidance for determining the eligibility of the replacement of animals that may be considered "equipment and furnishings" associated with disaster-damaged eligible public or private nonprofit (PNP) facilities.

IV. SCOPE AND AUDIENCE:

The policy is applicable to all major disasters declared on or after the date of publication of this policy. It is intended for personnel involved in the administration of the Public Assistance Program.

V. AUTHORITY:

Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5172, 44 CFR §13.3, and 44 CFR §206.226.

VI. BACKGROUND:

A. 44 CFR §206.226(h) states, "If equipment and furnishings are damaged beyond repair, comparable items are eligible as replacement items." 44 CFR §13.3 defines equipment as "tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above." 44 CFR §13.3 defines supplies as "all tangible personal property other than equipment" as defined in 44 CFR §13.3. For the purposes of this policy, the term "furnishing" refers to any tangible property other than equipment, as defined in 44 CFR §13.3.

B. The replacement of laboratory animals is addressed in Disaster Assistance Policy DAP9525.16, *Research-related Equipment and Furnishings*. This policy does not conflict with or supersede guidance found in DAP9525.16, *Research-related Equipment and Furnishings*.

C. Animals are not subject to DAP9524.6, *Collection and Individual Object Eligibility* (commonly referred to as "the Collections Policy"). The Collections Policy describes specific



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eligibility criteria, eligible work and costs related to the treatment (rather than replacement) of culturally significant collections and individual objects that are considered irreplaceable.

D. Other costs related to animals may be eligible for reimbursement under section 403 of the Stafford Act. These eligible costs include those related to the disposal of animals that die or are otherwise destroyed as a result of a disaster (disposal of animals must meet the requirements of all applicable local, State, Federal and international regulations and laws). In addition, costs related to actions taken to save the lives of animals and protect the property of eligible facilities may be eligible for reimbursement.

VII. POLICY:

A. Definitions

1. **Animal:** Any living or dead member of the animal kingdom, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, or any part thereof. (See definition of "fish or wildlife" in 16 U.S.C. §1532(8).)
2. **Museum:** A facility that preserves and exhibits a documented collection of artistic, historic, scientific or other objects. See DAP9521.2, *Private Nonprofit Museum Eligibility*, for eligibility criteria for PNP museums.
3. **Police Animal:** A dog or a horse employed for the purpose of aiding in law enforcement. (See definition of "police animal" in 18 U.S.C. §1368(b).)
4. **Rehabilitation Facility:** A facility that primarily provides diagnosis and treatment for the rehabilitation of injuries, disabilities, or illness. (Consistent with the definition of "comprehensive outpatient rehabilitation facility" in 42 U.S.C. §1395x(cc)(2).) PNP rehabilitation facilities are eligible for Public Assistance per 44 CFR §206.221(e)(5).
5. **Rescue Dog:** A dog that is trained, certified, and employed for the purpose of search, rescue, and/or remains detection.
6. **Taxidermy Specimen:** An animal that has been preserved and mounted in a lifelike representation.
7. **Zoo:** Any facility, maintained under the care of a Doctor of Veterinary Medicine, in which live animal(s) are kept for public exhibition or education. (Adapted from the definition of "zoological park" in 9 CFR §93.100.) **Aquariums** and wildlife or zoological parks may meet this definition.



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B. Eligibility

1. Animals owned by an eligible applicant that were, at the time of the major disaster, housed and/or exhibited in an eligible facility, and were destroyed or damaged beyond recoverable or re-employable utility as a result of that major disaster, may be eligible for replacement in accordance with 44 CFR §206.226(h). These animals may include, but are not limited to:

- a. Police animals and trained and certified rescue dogs.
- b. Animals in museums, zoos, or publicly owned nature centers.
- c. Taxidermy specimens located in an eligible facility.
- d. Animals used by rehabilitation facilities as part of diagnosis or treatment.

2. Animals on loan to an eligible facility at the time they are destroyed as a result of a major disaster must be the legal responsibility of an eligible applicant, in accordance with 44 CFR §206.223(a)(3). The applicant will be asked to provide documentation that establishes legal responsibility.

3. Replacement of destroyed animals will be based on a documented pre-disaster inventory of animals.

4. Equipment and furnishings associated with housing and/or exhibiting animals may be eligible for Public Assistance, in accordance with 44 CFR §206.226(h).

5. An animal may not be eligible for replacement if, because of its aesthetic, ecological, educational, historic, or scientific significance and/or local, State, regional, national or international importance, a comparable animal is not available for purchase at a reasonable cost.

C. Costs

1. Purchases must comply with all applicable local, State, Federal and international regulations and laws.

2. Eligible costs include the replacement of an animal comparable to the destroyed animal. The estimated cost to replace an animal is based on a reasonable cost to purchase a comparable animal. FEMA will typically determine cost reasonability through market surveys.



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3. If an applicant captures a replacement animal from the wild, reasonable costs associated with that acquisition are eligible. Eligible costs may not exceed the estimated cost of purchasing a comparable animal.

4. The costs associated with the acquisition of a donated animal are eligible, such as costs to transport the animal to the eligible facility. Eligible costs associated with the acquisition of a donated animal may not exceed the estimated cost of purchasing a comparable animal. When a destroyed animal is replaced through a donation of a comparable animal, the costs associated with the **purchase** of another comparable animal are **not** eligible for reimbursement.

5. The costs associated with acquiring an animal on loan are eligible for reimbursement. These animals would not be considered "temporary replacements" in terms of Public Assistance. Rather, loans are a common method of acquiring animals for zoos and the acquisition of an animal on loan would be considered a replacement in lieu of the purchase of a comparable animal. Eligible costs may not exceed the estimated cost of purchasing a comparable animal.

6. If an eligible applicant requests, and the Grantee approves, other than in-kind replacement of animals, funding will be limited to the estimated cost to replace the destroyed animal(s) from the eligible facility's pre-disaster inventory of animals. The applicant will be required to maintain documentation to ensure that funds were used to restore the pre-disaster function of the animals.

VIII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Public Assistance Division).

IX. SUPERSESION: This is a new policy.

X. REVIEW DATE: This policy does not automatically expire, but will be reviewed 3 years from the date of publication.

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