

Texas – Explosion Denial of Appeal

Denied on June 10, 2013

On April 22, 2013, Governor Rick Perry requested a major disaster declaration due to an explosion on April 17, 2013. The Governor requested Individual Assistance for McLennan County and Hazard Mitigation statewide. On May 1, 2013, the Governor’s request for a major disaster declaration for Individual Assistance was denied; however, on the same day the emergency declaration FEMA-3363-EM was amended to include the Individuals and Households Program. On May 30, 2013, Governor Perry appealed the denial of his request for a major disaster declaration for Individual Assistance and requested that the programs that are ineligible under the emergency declaration, including Disaster Unemployment Assistance, Crisis Counseling, Disaster Supplemental Nutrition Assistance Program, and Disaster Legal Services be granted. On April 20, 2013, joint Federal, State, and local government Preliminary Damage Assessments (PDAs) were conducted in McLennan County and are summarized below. PDAs estimate damages immediately after an event and are considered, along with several other factors, in determining whether a disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments, and that Federal assistance is necessary.¹

On June 10, 2013, the Governor’s appeal for a major disaster declaration was denied based on the determination that the impact from the event was not of the severity and magnitude that warranted a major disaster declaration for the additional Individual Assistance programs. The emergency declaration, FEMA-3363-EM, and subsequent amendments authorized the Individuals and Households Program and assistance for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program for McLennan County.²

Summary of Damage Assessment Information Used in Determining Whether to Declare a Major Disaster

Individual Assistance

- Total Number of Residences Impacted:³ 326
 - Destroyed - 118
 - Major Damage - 51
 - Minor Damage - 27
 - Affected - 130

- Percentage of insured residences:⁴ 57%
- Percentage of low income households:⁵ 7.71%
- Percentage of elderly households:⁶ 12.5%
- Total Individual Assistance cost estimate: \$3,032,607

Public Assistance –

- Primary Impact: -
- Total Public Assistance cost estimate: -
- Statewide per capita impact:⁷ -
- Statewide per capita impact indicator:⁸ \$1.37
- Countywide per capita impact: -
- Countywide per capita impact indicator:⁹ \$3.45

¹ The Preliminary Damage Assessment (PDA) process is a mechanism used to determine the impact and magnitude of damage and resulting needs of individuals, businesses, public sector, and community as a whole. Information collected is used by the State as a basis for the Governor’s request for a major disaster or emergency declaration, and by the President in determining a response to the Governor’s request (44 CFR § 206.33).

² When a Governor’s request for major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act) is under review, a number of primary factors are considered to determine whether assistance is warranted. These factors are outlined in FEMA’s regulations (44 CFR § 206.48). The President has ultimate discretion and decision making authority to declare major disasters and emergencies under the Stafford Act (42 U.S.C. § 5170 and § 5191).

³ Degree of damage to impacted residences:

- Destroyed – total loss of structure, structure is not economically feasible to repair, or complete failure to major structural components (e.g., collapse of basement walls/foundation, walls or roof);
- Major Damage – substantial failure to structural elements of residence (e.g., walls, floors, foundation), or damage that will take more than 30 days to repair;
- Minor Damage – home is damaged and uninhabitable, but may be made habitable in short period of time with repairs; and
- Affected – some damage to the structure and contents, but still habitable.

⁴ By law, Federal disaster assistance cannot duplicate insurance coverage (44 CFR § 206.48(b)(5)).

⁵ Special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance (44 CFR § 206.48(b)(3)).

⁶ Ibid (44 CFR § 206.48(b)(3)).

⁷ Based on State population in the 2010 Census.

⁸ Statewide Per Capita Impact Indicator for FY13, *Federal Register*, October 1, 2012.

⁹ Countywide Per Capita Impact Indicator for FY13, *Federal Register*, October 1, 2012.