

# Section 10

# Disaster Policies and

# Procedures

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## Section 10

# Disaster Policies and Procedures

The U. S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) coordinates with state, local, and voluntary organizations to accomplish the following goals:

1. Provide food for shelters and other mass feeding sites
2. Distribute food packages directly to households in need in limited situations
3. Issue Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits

## Presidentially Declared Disasters and Situations of Distress

### Resources

In addition to the discussion below, the following resources provide information about disasters and situations of distress.

- USDA maintains the *USDA Foods Program Disaster Manual* at <https://www.fns.usda.gov/disaster/disaster-assistance>.
- [www.SquareMeals.org](http://www.SquareMeals.org) contains frequently updated information for CEs and subagencies. From the home page, choose Food Assistance for Disaster Relief.

The Texas Department of Agriculture (TDA) distributes The Emergency Food Assistance Program (TEFAP) foods during a presidentially declared disaster, emergency, or situation of distress. Contracting entities (CEs) must obtain approval from TDA (via USDA regional and national offices) before diverting USDA Foods from intended purposes to assist victims of disasters.

These definitions are pertinent to the discussion below:

**disaster**—A presidentially declared disaster or emergency that results in USDA Foods assistance (and other federal assistance) for eligible people because of the disaster or emergency. Throughout this discussion, disaster is used for emergency and distress.

**situation of distress**—A natural catastrophe or another event that does not meet the definition of disaster as defined above, but that TDA or USDA determines warrants the distribution of USDA Foods to assist survivors. Examples include, but are not limited to, a hurricane, flood,

snowstorm, or explosion. Throughout this discussion, disaster is used for a situation of distress.

## Sites as Emergency Feeding Organizations

When necessary, a CE and subdistributing agency identifies an organization as an emergency feeding organization (EFO). See the USDA Foods Program Disaster Manual at <https://www.fns.usda.gov/disaster/disaster-assistance>.

## Approval of Disaster Organizations

An organization that wishes to become a disaster organization with TDA must apply to TDA electronically or in written form. TDA must review and approve an application from each disaster organization before the distribution of USDA Foods to that organization. The table below, Application for Disaster Organization, details the information for each particular type of distribution.

Application for Disaster Organization		
1. Type of benefit	2. To the extent possible, necessary information	3. Additional, required information
<b>Congregate meals</b>	<ul style="list-style-type: none"><li>• A description of the disaster situation</li><li>• The number of people requiring assistance</li><li>• The time period for which USDA Foods are requested</li><li>• The quantity and types of necessary foods</li><li>• The number and location of sites where USDA Foods are to be used</li></ul>	None
<b>Household distribution</b>	<ul style="list-style-type: none"><li>• A description of the disaster situation</li><li>• The number of people requiring assistance</li><li>• The time period for which USDA Foods are requested</li><li>• The quantity and types of necessary foods</li><li>• The number and location of sites where USDA Foods are to be used</li></ul>	<ul style="list-style-type: none"><li>• An explanation of why the distribution is necessary</li><li>• The available method(s) of distribution</li><li>• A statement assuring that D-SNAP benefits will not be provided simultaneously with USDA Foods assistance in the form of household distribution</li><li>• A description of the system that will prevent dual participation in D-SNAP and household distribution</li></ul>

## **Disaster Household Distribution (DHD) Program**

USDA's Disaster Household Distribution (DHD) Program<sup>1</sup> is designed to provide food assistance in disasters through USDA Foods that are typically distributed through TEFAP. CEs and subagencies must not initiate DHD — TDA will contact CEs when DHD is to be implemented.

### **Congregate Meals**

TDA may provide a disaster organization with USDA Foods from any recipient agency's (RA's) current inventories to provide congregate meals during a disaster. A disaster organization may provide USDA Foods to emergency relief workers at congregate meal sites who are engaged in providing relief assistance.

### **Households**

TDA may provide a disaster organization with USDA Foods from any RA's current inventories to provide foods to households during a disaster. Occasionally, a household has been approved for Disaster SNAP (D-SNAP) benefits but has not yet received the benefits. In this case, the disaster organization must obtain the following information from the household and report the information to TDA:

1. Name and address of household members applying
2. Total number of household members
3. A statement from the head of the household certifying the following:
  - The household needs food assistance.
  - The household is not receiving D-SNAP benefits.
  - An indication of understanding that selling or exchanging USDA Foods is prohibited.

Further, the disaster organization must maintain a system to prevent dual participation in TEFAP and D-SNAP.

## **Frequently Asked Questions**

The policies and procedures are conveyed below in a question and answer (Q&A) format. Additional questions and answers, as well as more information regarding the U. S. Department of Agriculture (USDA) Food Distribution Division disaster and emergency policies and procedures, may be found online.<sup>2</sup>

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<sup>1</sup> For more information, see the USDA Foods Program Disaster Manual at [www.fns.usda.gov/disaster/disaster-assistance](http://www.fns.usda.gov/disaster/disaster-assistance).

<sup>2</sup> Website: [www.fns.usda.gov/disaster/disaster-assistance](http://www.fns.usda.gov/disaster/disaster-assistance)

**Q 1. Will the Food and Nutrition Service (FNS) automatically replace foods used for disaster or emergency assistance?**

FNS will replace all USDA Foods removed from inventory at the state or local level that are used 1) for FNS-approved disaster or emergency mass feeding programs and 2) through the Disaster Household Distribution Program within presidentially declared disaster or emergency areas. Texas must submit a request for a replacement within 30 days of the end of the disaster, although interim requests for replacement may be made.

FNS has neither the authority nor the resources to replace non-USDA Foods used for disaster or emergency feeding. Except for intra-state transportation costs (see below), FNS has neither the authority nor resources to reimburse organizations for other costs. All requests for such reimbursement should be directed to the Texas Division of Emergency Management<sup>3</sup> for possible reimbursement, either directly or through submission to the Federal Emergency Management Agency (FEMA), which has the primary responsibility for providing disaster assistance.

**Q 2. Will FNS replace foods in inventory at the local level that were lost or made unfit for consumption by a disaster or emergency?**

FNS does not have the authority to replace foods that are lost, destroyed, contaminated, or otherwise rendered unusable in a disaster or emergency. Per federal regulations at 7 CFR 250.12(d), certain agencies<sup>4</sup> must obtain insurance to protect the value of USDA Foods at their storage facilities. See USDA Policy Memorandum FD-139, Clarification on Inventory Protection Requirements, for further information on insurance requirements. The memo is available at [www.fns.usda.gov/usda-foods/clarification-inventory-protection-requirements](http://www.fns.usda.gov/usda-foods/clarification-inventory-protection-requirements).

**Q 3. Are disaster or emergency evacuees who are boarders or residents of institutions eligible for TEFAP benefits?**

No. Consistent with federal regulations at 7 CFR 250.2 (see the definition of *household*), boarders or residents of institutions are not eligible to receive TEFAP benefits. Should these individuals' circumstances change to where they are no longer considered boarders or residents of institutions, they are encouraged to apply for TEFAP benefits where available.

**Q 4. May TEFAP participants who have evacuated their homes and are temporarily living in areas not normally served by TEFAP continue to pick up benefits from the agency in the service area they evacuated?**

Yes. During a presidentially declared disaster or emergency, evacuees may be temporarily housed at a location where TEFAP service is not normally available. In such circumstances, TEFAP participants who have evacuated their homes may choose to continue to pick up benefits from the agency in the service area they evacuated if that agency continues to operate and retains the ability to serve participants.

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<sup>3</sup> Website: <https://tdem.texas.gov/>

<sup>4</sup> CEs and state-contracted warehouses must obtain insurance. The following are not required to obtain insurance: distribution sites; food pantries; soup kitchens; community action agencies. This list may not be all-inclusive. For more information about insurance requirements, see *TEFAP Handbook*, Section 4, *USDA Foods*.

The evacuation of a TEFAP participant during a presidentially declared disaster or emergency is considered a temporary absence from home. During this time, evacuees may choose to be considered residents of the service area they evacuated. Therefore, evacuees who choose this option will continue to meet TEFAP residency requirements for the duration of the presidential declaration or until the evacuee establishes a permanent residence outside the original service area. TEFAP participants must continue to meet all other TEFAP eligibility requirements to continue to receive benefits.

Evacuees must provide the agency with their temporary address and date of evacuation. The agency must note this information in the certification or case file, if applicable, as well as the beginning and ending dates of the presidential declaration, if available. Certification periods may be assigned to coincide with the expected timeframe of the presidential declaration.

**Q 5. Will agencies be required to set up distribution sites outside their normal service areas to serve TEFAP participants who have evacuated to temporary housing?**

Agencies are not required to establish temporary distribution sites (that is, tailgate distribution sites) in areas where displaced TEFAP participants have relocated if TEFAP does not normally serve those areas. At the option of the applicable agency, however, accommodations may be made to serve evacuees in these areas. Accommodations may include, but are not limited to, the following:

- Adjusting food issuance schedules
- Assisting evacuees in designating authorized representatives or proxies to pick up foods
- Using TEFAP staff or volunteers to deliver foods to eligible evacuees living in temporary housing outside the established service area

**Q 6. What options are available to disaster/emergency evacuees for participation in TEFAP when they are housed with a host family?**

During a presidentially declared disaster or emergency, evacuees may choose to evacuate their homes and temporarily stay with a host family in an area served by TEFAP. For the duration of the presidential declaration, agencies must give the evacuees the option to be considered a separate household from the host family to determine eligibility for TEFAP.

Eligible evacuees may pursue **one** of the following three options for TEFAP participation:

1. Pick up benefits from the service area they evacuated, but only if the individual or family participated in TEFAP before the presidentially declared disaster or emergency. This is applicable only if the agency continues to operate and retains the ability to serve participants in that area. If evacuees choose this option and TEFAP service is available, the agency must consider the evacuees to be residents of its service area. This applies only until the presidential declaration ends, or the evacuees establish permanent residence outside the original service area, whichever occurs first.
2. Apply for TEFAP benefits as a separate household in the service area where they are temporarily living with the host family. The household must end TEFAP participation in the evacuated area by notifying the appropriate agency before applying for TEFAP benefits in the service area where the host family resides.

3. Apply for TEFAP benefits as a combined household in the service area where they are temporarily living with a host family. If the individual or family opts to be considered part of the host household, the newly combined household must meet TEFAP eligibility standards in effect for the agency serving the host family's place of residence.

**Q 7. In addition to the flexibility provided concerning evacuee residency requirements during a presidentially declared disaster or emergency, will FNS waive or modify other eligibility requirements for TEFAP?**

TDA has a great deal of discretion in determining the eligibility criteria for TEFAP, including the income eligibility guidelines. Given the flexibility afforded, FNS will not waive or modify other TEFAP eligibility requirements.

**Q 8. Are disaster or emergency evacuees eligible for TEFAP benefits after the presidential declaration or temporary housing status ends?**

When the presidentially-declared disaster or emergency ends, or the household chooses to leave temporary housing to establish permanent residence, **whichever occurs first**, an otherwise eligible household must reside in an area currently served by TEFAP and meet all other applicable criteria to remain eligible for TEFAP. Self-declaration by the household of temporary or permanent residence is acceptable.

If individuals or families choose to relocate to a permanent residence in an area not currently served by TEFAP, they would no longer be eligible to participate in TEFAP. These individuals and families may qualify for benefits under other nutrition assistance programs, such as the Supplemental Nutrition Assistance Program (SNAP) (formerly known as the Food Stamp Program), or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

**Q 9. Will FNS waive the eligibility requirements for organizations that wish to distribute regular TEFAP benefits to evacuees?**

No. FNS believes there are sufficient organizations that already meet the eligibility requirements and can provide the necessary assistance to disaster or emergency evacuees. Waiving TEFAP requirements would be unnecessary and would compromise TEFAP integrity. TEFAP has well-established distribution networks in most areas in which TEFAP operates. Therefore, FNS does not believe that it is in the best interest of TEFAP or individuals requiring assistance for FNS to waive the current eligibility requirements for organizations that wish to participate in TEFAP.

**Q 10. How can my agency determine and monitor the duration of a presidential declaration?**

Agencies should monitor the FEMA website at <http://www.fema.gov> or contact FEMA via telephone at 1-800-621-3362 to determine and monitor the duration of a presidential disaster or emergency declaration.