

Timeline, Major Disaster Events and Law Developments, 1950- 2010

Class: Ethical and Legal Aspects of Disaster Response
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Notes:

- Prior to the beginning of the table, there were other natural disasters and terrorism events, as summarized in [Terrorism in the United States 1999](#) influenced the development of law.
- Entries included in table are not comprehensive, but representative.

Date	Events, Activities, Laws, and Reports
Feb 1950	<ul style="list-style-type: none"> • Federal Disaster Relief Program created by Congress <ul style="list-style-type: none"> ○ Provides Federal disaster response assistance to states, local government ○ Prior to this, federal disaster response decided for each event case by case
1966	<ul style="list-style-type: none"> • Disaster Relief Act of 1966 <ul style="list-style-type: none"> ○ For disaster recovery assistance
Feb 1979	<ul style="list-style-type: none"> • FEMA created, Executive Order 12158 by Jimmy Carter <ul style="list-style-type: none"> ○ Consolidated disaster functions held by president, multiple federal agencies into FEMA
1986	<ul style="list-style-type: none"> • Emergency Medical Treatment and Active Labor Act. 42 USC §1395dd. <ul style="list-style-type: none"> ○ Requires hospitals receiving Medicare funds to provide emergency treatment to those seeking it regardless of ability to pay. ○ No pre-existing relationship between the hospital and patient is required
Nov 1988	<ul style="list-style-type: none"> • Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Pub. L. No. 93-288, as amended; 42 U.S.C. §§ 5121-5207 <ul style="list-style-type: none"> ○ Reflects concern over responding to non major disasters with disaster authorities ○ Authorizes the President to declare a “major disaster” or “emergency” for events that overwhelms state or local governments. ○ Federal funding, assistance becomes available after declaration ○ FEMA coordinates administration of disaster relief to the states ○ Title VI <ul style="list-style-type: none"> ▪ national system for all-hazards emergency preparedness ▪ authority located at both the federal and state levels.
1988	<ul style="list-style-type: none"> • IOM report <i>The Future of Public Health</i> noted that the general legal framework supporting public health was out of date and confusing. <ul style="list-style-type: none"> ○ Legal basis for who had the authority to act in public health was unclear ○ Ability to address new infectious disease challenges such as HIV was not facilitated by the laws in place ○ Due process, other protections of individual rights needed to be updated.
Mar	<ul style="list-style-type: none"> • Sarin gas attack in the Tokyo subway

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1995	
April 1995	<ul style="list-style-type: none"> • Oklahoma City bombing
Aug 1995	<ul style="list-style-type: none"> • Extent of Iraq bioweapons program producing weapons grade anthrax and botulinum toxins becomes public knowledge
1996	<ul style="list-style-type: none"> • Emergency Management Assistance Compact of 1996. Pub. L. No. 104-321 (EMAC) <ul style="list-style-type: none"> ○ Ratified by Congress in 1996, enacted in all 50 states ○ Establishes policies, procedures for sharing of resources between states under emergency declaration by the governor of the requesting state. ○ Resources, personnel sent by assisting state ○ Requesting state reimbursement to assisting state established
1997	<ul style="list-style-type: none"> • Turning Point collaboration founded. <ul style="list-style-type: none"> ○ Goal include modernization of public health included a public health law modernization program. Not focused on preparedness, more general in scope.
2000	<ul style="list-style-type: none"> • Gilmore Commission report "Second Annual Report of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction." <ul style="list-style-type: none"> ○ Strong public health infrastructure recognized as requirement for effect response to bioterrorism. ○ Calls for "review existing Federal and State authorities for mandatory or prescriptive activities, such as vaccinations, quarantine, containment, and observation. As a result...'model' legislation and regulations should be promulgated for the consideration of the States."
2000	<ul style="list-style-type: none"> • Turning point begins development of the Model State Public Health Act which has an emergency component.
2000	<ul style="list-style-type: none"> • CDC Public Health Law Program founded. <ul style="list-style-type: none"> ○ Primary work: provide training, toolkits, and support some research on public health law for state, local, tribal, and territorial level public health practitioners, policy makers.
2000	<ul style="list-style-type: none"> • Centers for Law and the Public's Health, an offshoot of the Turning Point program, is funded by CDC Public Health Law Program.
April 2001	<ul style="list-style-type: none"> • Cantigny Conference: State Emergency Health Powers and the Bioterrorism Threat <ul style="list-style-type: none"> ○ Cosponsors: The Centers for Disease Control and Prevention American Bar Association Standing Committee on Law and National Security, The National Strategy Forum ○ Website outlines the issues discussed, everything discussed relevant. ○ Many participants are still major contributors to legal preparedness research and practice efforts.
Sept, Oct	<ul style="list-style-type: none"> • World Trade Center attack

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2001	<ul style="list-style-type: none"> • Anthrax attacks
Oct 2001	<ul style="list-style-type: none"> • At CDC request, Centers for Law and the Public’s Health drafts Model State Emergency Health Powers Act <ul style="list-style-type: none"> ○ Model State Public Health Act under development by Turning Point a model. ○ Cantigny Conference best practices discussion informed it as well. (Hodge 2012)
June 2002	<ul style="list-style-type: none"> • Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Pub. L. No. 107-188 <ul style="list-style-type: none"> ○ Amends the Public Health Act ○ Secretary of Health and Human Services to develop, implement, National Preparedness Plan ○ Established Emergency System for Advance Registration of Health Professions Volunteers (ESAR-VHP). ○ Creates position of Assistant Secretary for Public Health Emergency Preparedness <ul style="list-style-type: none"> ▪ Oversees National Disaster Medical System, DHHS emergency activities ○ Food supply, drug supply safety measures.
2002, 2003	<ul style="list-style-type: none"> • CDC preparedness funding programs to states and large cities require legal components <ul style="list-style-type: none"> ○ 2002 preparation to assess state and local emergency laws ○ 2003 taking actions to assure legal response authority, health issues of first responders, and liability around issues like smallpox vaccination are in order
Nov 2002	<ul style="list-style-type: none"> • Homeland Security Act of 2002 Pub. L. No. 107-296, as amended; 6 U.S.C. §§ 311-321m • Consolidates 22 Federal agencies under new Department of Homeland Security
Feb 2003	<ul style="list-style-type: none"> • Homeland Security Presidential Directive 5 (HSPD-5) <ul style="list-style-type: none"> ○ Identifies steps for improved coordination among federal, state, and local authorities. ○ National Incident Management System and National Response Plan development by Secretary of Homeland Security required.
Mar 2003	<ul style="list-style-type: none"> • WHO issues first global alert about SARS
April 2003,	<ul style="list-style-type: none"> • CDC published legal guidance on SARS
Dec 2003	<ul style="list-style-type: none"> • Homeland Security Presidential Directive 8 (HSPD-8) <ul style="list-style-type: none"> ○ Secretary of Homeland Security to develop a national domestic all-hazards preparedness goal with measurable readiness priorities, targets, metrics. ○ Financial support, assistance to states to develop equipment standards for

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	<ul style="list-style-type: none"> first responders <ul style="list-style-type: none"> ○ Establishes national training program supporting attainment of preparedness goals
April 2004	<ul style="list-style-type: none"> ● Homeland Security Presidential Directive 10 (HSPD-10) <ul style="list-style-type: none"> ○ Increase capacity to recognize, respond to bioterrorism
July 2004	<ul style="list-style-type: none"> ● Project BioShield Act of 2004. Pub. L. No. 108-276; 21 U.S.C. 360bbb-3 <ul style="list-style-type: none"> ○ Under certain specified emergency declarations, Secretary of HHS may declare an emergency justifying Emergency Use Authorization (EUA) for an unapproved drug, device, or biological product, or for an unapproved use of an approved drug, device, or biological product. ○ Commissioner of the FDA then may issue an EUA for specified products, which may include conditions of use of the product. ○ EUA ends with end of emergency state.
2005	<ul style="list-style-type: none"> ● WHO: International Health Regulations, 2nd edition published <ul style="list-style-type: none"> ○ define the rights and obligations of countries to report public health events <ul style="list-style-type: none"> ▪ National IHR Focal Point in each country responsible for communications with WHO ○ establishes procedures WHO must follow to uphold global public health ○ countries required to upgrade public health surveillance, response capabilities, WHO technical assistance available
Aug 2005	<ul style="list-style-type: none"> ● Hurricane Katrina
Sept 2005	<ul style="list-style-type: none"> ● Hurricane Rita
Dec 2005	<ul style="list-style-type: none"> ● Public Readiness and Emergency Preparedness (PREP) Act of 2005. Pub. L. No. 109-148; 42 U.S.C. §§ 247d-6d, 247d-6e <ul style="list-style-type: none"> ○ Immunity from tort liability, except for willful misconduct, for <ul style="list-style-type: none"> ▪ entities and individuals involved in the development, manufacture, testing, distribution, administration, and use of countermeasures to diseases and threats to public health ○ Immunity conditions, time period set by the Secretary of Health and Human Services ○ Federal compensation fund established for anyone injured by countermeasures
2006	<ul style="list-style-type: none"> ● 39 states have updated their public health laws based on the Models State Emergency Health Powers Act (Hodge 2012)
2006	<ul style="list-style-type: none"> ● Dr. Anna Pou and 2 nurses are charged with murder in deaths of 4 patients at Memorial Hospital during Hurricane Katrina. <ul style="list-style-type: none"> ○ Charges are dropped in 2007
Oct 2006	<ul style="list-style-type: none"> ● Post-Katrina Emergency Management Reform Act of 2006. Pub. L. No. 109-295; 6 U.S.C. § 701 et. seq. <ul style="list-style-type: none"> ○ Addresses problems in the preparation for and response to Hurricane

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	Katrina. <ul style="list-style-type: none"> ○ Primarily affects organization, functions in FEMA and DHS ○ Increased FEMA's autonomy within DHS
Oct 2006	<ul style="list-style-type: none"> ● Pets Evacuation and Transportation Standards Act of 2006. Pub. L. No. 109-308; 42 U.S.C. §§ 5170(b), 5196, 5196(b) <ul style="list-style-type: none"> ○ Amends Stafford Act to plan for evacuation of people who have pets.
Dec 2006	<ul style="list-style-type: none"> ● Pandemic and All-Hazards Preparedness Act. Pub. L. No. 109-417 <ul style="list-style-type: none"> ○ Secretary of Health and Human Services federal lead for public health emergency preparedness and response ○ Assistant Secretary for Public Health Emergency Preparedness renamed as Assistant Secretary for Preparedness and Response ○ Development of countermeasures have new authorities ○ strengthening of state and local public health security infrastructure ○ Administrative changes to National Disaster Medical System and ESAR-VHP to improve surge capacity
June 2007	<ul style="list-style-type: none"> ● WHO International Health Regulations, 2nd edition go into effect
2007	<ul style="list-style-type: none"> ● CDC convenes National Summit on Public Health Legal Preparedness <ul style="list-style-type: none"> ○ Focused on 4 elements of legal preparedness (laws, competencies, information, cross jurisdictional coordination) ○ Goal: national action agenda on public health legal preparedness ○ Included ethics experts and topics in the agenda ○ Proceeding published in Journal of Law, Medicine and Ethics, Volume 36, Issue 1 Suppl, March 2008, Pages 1-67
2009	<ul style="list-style-type: none"> ● H1N1 Pandemic <ul style="list-style-type: none"> ○ April 25, 2009 WHO declares first public health emergency of international concern (PHEIC) ○ Issues raised: <ul style="list-style-type: none"> ▪ Benefits sharing – ex: is vaccine developed with virus strain provided by developing country affordable in that country? ▪ Inequality of vaccine sharing between developed and developing countries ○ Successes <ul style="list-style-type: none"> ▪ Governments use of public health powers to institute non-pharmaceutical measures for social distancing (ex: Mexico) ▪ Improved international information sharing, epidemiology surveillance
2009	<ul style="list-style-type: none"> ● Public Health Law Research program established at Temple University with funding from Robert Wood Johnson Foundation.
Sept 2010	<ul style="list-style-type: none"> ● Network for Public Health Law established <ul style="list-style-type: none"> ○ National Center in St Paul, MN with 5 regional centers ○ Provides one on one information consultations via website, email etc.

Date	Events, Activities, Laws, and Reports
	<ul style="list-style-type: none"> ○ Provides webinars and other educational opportunities

Sources:

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