



FEMA

August 14, 2018

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your June 12, 2018 letter addressed to Administrator Long and Secretary Azar regarding the federal government's role in determining an official and accurate accounting of fatalities in Puerto Rico after Hurricane Maria. I am responding on behalf of FEMA and the U.S. Department of Health and Human Services (HHS). FEMA, HHS, and other federal partners continue to work tirelessly to support Puerto Rico in its response and recovery from the devastating impacts of Hurricane Maria. I appreciate your patience in awaiting this response.

In response to the concerns in your letter, please note FEMA is responsible for coordinating the federal response to a major disaster declaration and is authorized, in particular, to provide states and territories direct and financial assistance for emergency protective measures necessary to address immediate threats to public safety. FEMA is also authorized to provide assistance to individuals impacted by a disaster, including financial assistance for funeral expenses.

HHS, through its Office of the Assistant Secretary of Preparedness and Response, leads the nation's medical and public health preparedness for, response to, and recovery from disasters and public health emergencies. ASPR collaborates with hospitals; healthcare coalitions; biotech firms; community members; state, local, tribal, and territorial governments; and other partners across the country to improve readiness and response capabilities. When disaster strikes and overwhelms a community, ASPR's Office of Emergency Management provides medical care and delivers medical supplies and provides expertise to help communities maintain health care operations.

FEMA's authority to provide these types of assistance does not extend to assisting states, territories, or other governmental entities with performing an official accounting of fatalities. Instead, the responsibility for tracking and counting deaths resides with the states, territories or local jurisdictions. In Puerto Rico, the Institute of Forensic Sciences is the medical examiner responsible for issuing the official count of fatalities related to Hurricane Maria.

It is FEMA and HHS's understanding that the Commonwealth of Puerto Rico commissioned George Washington University to carry out a study on the number of fatalities caused by Hurricane Maria and the results will be released soon.

You requested response on the following seven specific inquiries:

1. What assistance has FEMA or other federal government agencies provided to the Puerto Rico Government to ensure that officials obtain an accurate death toll?

The responsibility for tracking and counting deaths resides with the territory. The Puerto Rico Institute of Forensic Sciences is the medical examiner responsible for issuing the official count of fatalities related to Hurricane Maria.

2. The current official death count from Hurricane Maria is 64 people. Does FEMA believe this is an accurate number? If so, why? If not, why not?

FEMA is not responsible for determining a fatality count and is not in a position to judge how many people died from Hurricane Maria.

3. Do FEMA and HHS believe that CDC protocols contributed to any undercounting of the death toll?

The determination of cause and manner of death is the sole responsibility of the state or territory's cause-of-death certifier (medical examiner, coroner, or physician) who signs the death certificate. State and territory death certifiers must follow their jurisdictions' requirements for death reporting. In October 2017, the Centers for Disease Control and Prevention (CDC) published voluntary guidance, *A Reference Guide for Certification of Deaths in the Event of a Natural, Human-induced, or Chemical/Radiological Disaster* (www.cdc.gov/nchs/data/nvss/vsrg/vsrg01.pdf). CDC's guidance provides instructions to the cause-of-death certifier on how to properly describe the cause of death and certify the death certificate. The goal of CDC's guidance is to improve the accuracy of reporting disaster-related deaths on death certificates. The guidance includes definitions of *directly related death* and *indirectly related death*, the latter of which "occurs when the unsafe or unhealthy conditions present during any phase of the disaster (i.e., pre-event or preparations, during the actual occurrence, or post-event during cleanup after a disaster) contribute to a death."

FEMA has consulted with HHS, and HHS does not believe that CDC guidance contributed to any undercounting of the death toll.

a. Are FEMA and HHS aware of CDC protocols resulting in undercounting after other disasters or events? If so, will FEMA collaborate with the CDC to ensure that their protocol does not result in erroneous fatality counts in the future?

FEMA has consulted with HHS, and HHS is not aware of CDC guidance resulting in undercounting in other disasters or events. FEMA's role is to coordinate federal assistance and the responsibility for determining fatality counts rests with the

Territory.

4. What specific plans or procedures are in place to ensure that, in the event of another hurricane or other disaster, FEMA, HHS, and other federal agencies obtain accurate fatality counts?

FEMA's role is to coordinate federal assistance. States and territories have the responsibility for obtaining accurate fatality counts by determining whether deaths are attributable to a disaster and transmitting accurate death certificate information to CDC. *A Reference Guide for Certification of Deaths in the Event of a Natural, Human-induced, or Chemical/Radiological Disaster*, which we mentioned in response to question 3a, helps areas affected by natural, human-induced, or chemical/radiological disasters obtain accurate information. CDC's role is to assign cause of death codes based on information in the death certificates and to tabulate resulting data. In addition, through supplemental funding allocated by Congress, CDC is supporting the Puerto Rico Department of Health (PRDH) Demographic Registry to improve the accuracy and timeliness of reporting disaster-related death. Puerto Rico's proposed work plan, which is supported by these supplemental funds, includes technical assistance, training for death certifiers, and initial steps in transitioning to an electronic death registration system. CDC will assist the PRDH throughout the process.

5. How many Puerto Rican residents have applied for FEMA funeral assistance? How many of them have received funding for this purpose? Were any individuals denied assistance because the death of their family member was not proven to be caused by Hurricane Maria?

As of July 30, 2018, FEMA received 2,431 applications for funeral assistance, and determined 75 eligible for DR 4339-PR.

FEMA contacts each individual who applies for funeral assistance to explain eligibility and documentation required. To qualify for funeral assistance, applicants must comply with the following conditions of eligibility:

- The applicant must be a U.S. citizen, non-citizen national, or qualified alien.
- FEMA must be able to verify the applicant's identity.
- A state, territorial, tribal, or local government licensed medical official, such as the Medical Examiner or Coroner, has attributed the death to the emergency or disaster, either directly or indirectly.
- Medical officials may reference the guidance set forth by CDC regarding death certifications in the event of natural, human-induced, or chemical/radiological disasters.
- The applicant incurred or will incur eligible funeral expenses, not covered by other sources. Other sources may include burial insurance or monetary assistance from voluntary agencies, applicable government programs, or other entities.
- The applicant must provide to FEMA all required documentation identified below.

An applicant must submit:

- An official death certificate that clearly indicates the death was attributed to the emergency or disaster, either directly or indirectly, or a signed statement from a state, territorial, tribal, or local government licensed medical official, such as a Medical Examiner or Coroner, attributing the death to the emergency or disaster, either directly or indirectly.
- Receipts or verifiable estimates indicating the applicant incurred or will incur eligible interment, reinternment, or funeral expenses.
- Documentation of burial insurance and/or any forms of funeral assistance received from voluntary agencies, government agencies, charities, or other entities.

As with other types of assistance, some applicants may initially select a post disaster need in error. It is relatively common for applicants to identify a disaster need as “funeral” when, after contacted personally by a FEMA employee; the request for a funeral was in error. Until FEMA contacts all applicants, an accurate number of total applicants eligible for funeral assistance is not available.

6. Reports have indicated that the HHS deployed Disaster Mortuary Operational Response Team (DMORT) members to Puerto Rico to “retrieve, assess, and process the bodies and remains of disaster victims.”³⁰ The Puerto Rico safety department said in October 2017 that 40 DMORT personnel were assisting the Institute of Forensics in San Juan.³¹

a. How many bodies were retrieved, assessed, and processed by DMORT teams in the months following Hurricane Maria?

The HHS Emergency Support Function #8 team, which included DMORT, did not recover remains. The DMORT had two functions during the deployment to Puerto Rico: assessment and assistance. Both were an ESF-8 requirement that engaged with the Puerto Rico Department of Health on the state of the facilities (Funeral Homes, Hospital Morgue areas, etc.). The team had minimal responsibility when it came to processing of remains, with the exception of assistance that was provided to an overwhelmed facility to assist with storage and processing.

b. How did FEMA and HHS determine the number of DMORT personnel to dispatch to the island? When were they dispatched? How long did they remain there?

A DMORT Assessment Team was sent prior to Hurricane Maria making landfall. In total, 307 DMORT personnel deployed between September, 2017, and November, 2017. Generally, the length of deployments were two weeks, after which new personnel rotated in.

c. Did the Puerto Rico government use DMORT assistance in determining causes of death? If so, was that information incorporated into the official death toll?

The Puerto Rico government did not use DMORT assistance in determining causes of death. The DMORT had two functions during the deployment to Puerto Rico: assessment and assistance. Both were an ESF-8 requirement that engaged with the Department of Health on the state of the facilities (Funeral Homes, Hospital Morgue areas, etc.). The team had minimal responsibility when it came to processing of remains with the exception of assistance that was provided to an overwhelmed facility to assist with storage and processing.

7. What policy changes have FEMA and HHS made to ensure the accuracy of future fatality counts from disasters?

Since the states and territories are responsible for the official determination of death, there is no federal policy for calculating storm death tolls. As with other areas of assistance, FEMA will continue to work with state, local, tribal and territorial partners in the recovery process.

We appreciate your ongoing partnership and assistance as we continue our mission of supporting disaster survivors, their municipalities and the Government of Puerto Rico in the immediate and long-term recovery from Hurricane Maria.

Thank you again for your letter. Should you have any questions or concerns, please feel free to contact FEMA's Congressional Affairs Division at (202) 646-4500.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Long', with a long horizontal flourish extending to the right.

Brock Long
Administrator