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“Methods for the South Carolina Department of Health and Environmental Control  
to Fund Disaster Response Activities”

South Carolina Department of Health and Environmental Control

Bureau of Public Health Preparedness

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## I. Problem Statement

The State of South Carolina is prone to natural disasters. Since 2015 the state has been impacted by winter weather, flooding, tornados, wildfires, and earthquakes. By far what has led to the most damage has been tropical events such as Hurricanes. Currently, there is not a process to fund disaster response and recovery within the Department of Health and Environmental Control (DHEC). This also applies to other state agencies, county, and local jurisdictions without utilizing funds already allocated to the agency. This funding method causes the agency to use funds that were already allocated to other programs resulting in a reduction of the services from the programs those funds came from. The purpose of this research is to learn if other states have programs in place dedicated to funding disaster/emergency response and recovery efforts, how successful those programs are, and if any of them would work within DHEC (or other state agencies in South Carolina).

From 2015 to 2018, the municipal entities of South Carolina (including local, county, and State agencies) have spent \$682,768,731.69 during just four federally declared disaster events (Brittany , 2019). These four events were the 2015 Severe Storms and Flooding, 2016 Hurricane Matthew, 2017 Hurricane Irma, and 2018 Hurricane Florence. Data is still incomplete from 2019 Hurricane Dorian, so it was excluded from the study. During the same period, DHEC has spent approximately \$6,500,000 for response and recovery activities. DHEC has claimed \$3,541,039.76 in Federal reimbursement under the eligibility of Robert T. Stafford Disaster Relief and Emergency Assistance Act (United States Code, Title 42. The Public Health and Welfare, Chapter 68. Disaster Relief, 2018). Because tracking methods were not in place an

unknown amount of non-eligible smaller Public Health events that did not meet the federal disaster threshold were also excluded from the study. Examples of these include Zika Response, TB Responses, Hepatitis A Response, and Opioid Response. These smaller emergencies (both disease and environmental) happen on a regular basis. Funding for these smaller disasters come out of funds already designated for other programs. For state agencies in South Carolina, federal reimbursement received after the close of the fiscal year involved are returned to the State General Fund (South Carolina Office of the Comptroller General, 2019). As federal reimbursements normally take much longer than a year, the program money that was originally utilized to fund the response then becomes a shortfall for that program and the citizens of South Carolina.

In addition, DHEC is largely funded by Federal Grants and Cooperative Agreements (around 70%) which have special conditions attached if they can be allowed at all to be used for emergency/disaster response. For example, the Public Health Emergency Preparedness (PHEP) and Hospital Preparedness Program (HPP) may request permission to utilize funds to pay for staff salaries and associated travel during emergencies (2017-2022 Hospital Preparedness Program (HPP) - Public Health Emergency Preparedness (PHEP) Cooperative Agreement CDC-RFA-TP17-1701, 2017). Funding limitations like those already discussed can add to the complication of paying for disaster response activities.

A. Alignment with agency and/or department goals

DHEC is only of three state agencies in the country that focus not only on Public Health but also on Environmental Health issues. DHEC has over 3,400 employees who are charged with protecting and promoting the health and environment of the state of South Carolina

(Department of Health and Environmental Control - (DHEC), 2019). DHEC's vision of "healthy people living in healthy communities" is carried out through its four divisions (Department of Health and Environmental Control - (DHEC), 2019):

Environmental Affairs issues and enforces environmental permits and operates the state's ocean and coastal resource management program.

Health Regulation oversees the licensing and certification of healthcare facilities, Emergency Medical Services (EMS) providers, and drug control enforcement.

Public Health operates the agency's public health and state laboratory functions, including 72 local health departments.

Operations provide strategic planning, project management, information technology, communications, legal services, human resources, and facility support.

The Mission of DHEC is "To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment" (Department of Health and Environmental Control - (DHEC), 2019).

DHEC employees operate on four core values (Department of Health and Environmental Control - (DHEC), 2019):

Embracing Service - We embrace our responsibility to reliably serve our communities, our customers, and each other in a respectful manner, relying upon clear and uncompromised commitments to integrity, trust, dependability, and responsiveness.

Inspiring Innovation - We encourage and empower our teams to find creative solutions to promote and protect the health of the public and the environment.

Promoting Teamwork - We foster an inclusive and collaborative environment, valuing the diversity of thoughts, experience, and expertise of every team member, our stakeholders, and our communities

Pursuing Excellence - We are steadfast in our commitment to the highest achievable standards of quality and professionalism in our pursuit of healthy people living in healthy communities.

During an emergency response, DHEC does not stop providing essential services. In fact, disasters often impact how and where we offer these services. For example, after the 2015 floods, DHEC created a mobile clinic that went to impacted areas to provide free tetanus vaccinations to those that needed them (Schuman |, October). This is an example of how DHEC continues to carry out its Vision through its core values even during times of crisis.

- B. Define the problem statement in neutral terms so that a solution is not presumed.

Funding disaster and emergency response from funds allocated to programs decrease services available to the citizens.

## II. Data Collection

### A. Goals and Collection Methods

For this study, two surveys were conducted. The questions were identical on both surveys. The first survey was sent to the state members of the Region IV ESF-8 Unified Planning Coalition. ESF-8 is defined as Emergency Support Function #8 – Public Health and Medical Services (FEMA, 2008). Seven total surveys were sent out and 7 surveys were completed. The second survey was sent out to 48 State Emergency Management Agencies that have public contact information on their website. Thirty-Three (33) surveys were completed or 68.75%. New York State and Maine were the two states that surveys were not sent to as they did not have contact information for their Recovery Divisions available online when the survey was sent out.

The survey consisted of 8 questions of which some were opened-ended, and some were closed-ended. There was also one interview that took place. The Microsoft Forms platform

was utilized to conduct the survey. Participants could voluntarily submit their names if they would allow follow up questions to be asked if needed. Only one response per IP (Internet Protocol) address was allowed although no jurisdiction in either survey attempted to submit more than one response.

1. What type of Jurisdiction/Agency do you represent?
2. What State are you located in?
3. What is your primary affiliation?
4. Does your Jurisdiction/Agency have a dedicated funding source to help pay for disaster/emergency response?
5. Do any other Jurisdictions/Agencies in your State have dedicated funding sources to help pay for disaster/emergency response? (either solely for that agency or that they may share)
6. Is your Jurisdiction/Agency required to fund disasters/emergencies out of currently allocated funds (which may or may not be reimbursed later)?
7. Can you provide a link to any reliant rules/regulations/statutes from your Jurisdiction/Agency? Or email links or copies to [blairjd@dhec.sc.gov](mailto:blairjd@dhec.sc.gov)
8. May I contact you for additional information if needed? If so, please provide your email address.

I reviewed the State of South Carolina Fiscal Year 2019-2020 budget to learn if any other state agencies may have also encountered the reimbursement problem. A total of 5 provisos were found that allow various state agencies to maintain certain types of federal reimbursement funds received for expenses incurred in a previous fiscal year. These provisos

are not all disaster or emergency-related and all the agencies which currently have them have a Law Enforcement connection. Those agencies are:

- Forestry Commission – Proviso 43.2
- Office of Attorney General – Proviso 59.3
- State Law Enforcement Division (SLED) – Proviso 62.14
- Department of Corrections – Proviso 65.10
- Department of Juvenile Justice – Proviso 67.5

### III. Data Analysis

#### A. Key findings

##### 1. Survey 1 – Region IV States Public Health Preparedness Offices

*Does your Jurisdiction/Agency have a dedicated funding source to help pay for disaster/emergency response?*

Six states answered no with North Carolina being the only state to answer yes. North Carolina state code “§ 166A-19.40. Use of contingency and emergency funds” (State of North Carolina, 2019) states:

- (a) Use of Contingency and Emergency Funds. - The Governor may use contingency and emergency funds:
  - (1) As necessary and appropriate to provide relief and assistance from the effects of an emergency.
  - (2) As necessary and appropriate for National Guard training in preparation for emergencies with the concurrence of the Council of State.
- (b) Repealed by Session Laws 2015-241, s. 6.19(a), effective July 1, 2015.



(c) Use of Other Funds. - The Governor may reallocate such other funds as may reasonably be available within the appropriations of the various departments when all of the following conditions are satisfied:

- (1) The severity and magnitude of the emergency so require.
- (2) Contingency and emergency funds are insufficient or inappropriate.
- (3) A state of emergency has been declared pursuant to G.S. 166A-19.20(a).
- (4) Funds in the State Emergency Response and Disaster Relief Fund are insufficient.

*Do any other Jurisdictions/Agencies in your State have dedicated funding sources to help pay for disaster/emergency response? (either solely for that agency or that they may share)*

Five States answered no with Georgia and Kentucky both answering yes.

*Is your Jurisdiction/Agency required to fund disasters/emergencies out of currently allocated funds (which may or may not be reimbursed later)?*

Five States answered No with Georgia and Kentucky both answering yes. Neither Georgia or Kentucky provided any additional information or links to support their answers.

## 2. Survey 2 – States Emergency Management Offices

*Does your Jurisdiction/Agency have a dedicated funding source to help pay for disaster/emergency response?*

Seventeen states answered yes. Fourteen states answered no. Two states answered others. For others, the following explanations were provided:

"We have a dedicated fund, but it does not have a dedicated revenue stream to fund it."

"We are currently finalizing one with the legislature. "

*Do any other Jurisdictions/Agencies in your State have dedicated funding sources to help pay for disaster/emergency response? (either solely for that agency or that they may share)*

Eleven states answered yes. Twenty-two states answered no

*Is your Jurisdiction/Agency required to fund disasters/emergencies out of currently allocated funds (which may or may not be reimbursed later)?*

Fifteen States answered yes. Sixteen states answered no. It should be noted that both Georgia and Kentucky Emergency Management both answered no to this question while both of their Public Health Preparedness Offices answered yes. It appears that one of the agencies in each state is not truly aware of their funding responsibilities. Two states answered others. For others, the following explanations were provided:

“Our first recourse (per statute) is to use currently allocated funds but can use the Disaster Response and Recovery Fund if normal funds are insufficient.”

“Typically, yes, but we are in the process of setting up a state fund to be able to fund state costs.”

### 3. Potential solutions and implementation.

The development of a single statute that would work for every state agency involved is much too big of a project to take on. Getting all the many agencies to agree on working and then gain the support of the legislature would be very difficult if not impossible. The

development of a proviso like those the other 5 agencies have would be easier to sell to the legislature and agency leadership.

#### IV. Implementation Plan

##### 1. Action steps needed to complete the goal

The plan forward requests OGC conduct a full review of statues applicable to DHEC to ensure something is not already in place that would allow DHEC to keep reimbursements outside the current fiscal year. Once that is complete, establish a workgroup made of staff from the DHEC Finance Division, OGC, Recovery Coordinator, and Legislative Affairs to develop a recommended proviso to be submitted to the DHEC ELT for approval. Once approval is received, the Legislative Affairs team will submit it to the legislature to be considered in the next Appropriations Act.

##### 2. Timeframes and cost

The development and approval process through DHEC should take 6 to 9 months. Depending upon where the current budget development process is with the Legislature the entire process could take upwards of 2 years.

##### 3. Potential obstacles and methods to overcome them

Obstacles could include but are not limited to gaining legislative support to sponsor and approve the proviso.

#### 4. Potential resources

The use of language from the current provisos, bureau reports documenting the number of program funds lost, and services not delivered would all be potential resources to support this project.

#### 5. Communication with key stakeholders

Communication with agency stakeholders will occur in the agency monthly Planning Group meetings which occur on the first Wednesday of each month.

#### 6. Integration into the standard operating procedure

The Bureau of Public Health Preparedness (BPHP) currently maintains all agency-level plans and ensuring regular reviews occur with each division. Each division is responsible for maintaining division-specific SOP's. SOP's relevant to this project would become part of the Administrative / Finance Annex and the Recovery Annex which are included in the DHEC Emergency Operations Plan (EOP).

#### V. Summarize key findings and recommendations for future action.

Due to the many differences of organization of state governments, include Dillions Law vs. Home Rule, a single solution across all 50 states would be near impossible. With the recent amount of disasters in South Carolina, State agencies could benefit from legislative reform that would allow agencies to recoup money lost responding to and recovering from disasters. Without properly selling the plan to the legislatures to show how this would aid in keeping programs going after disasters, the legislature may not be willing to lose this money which has been obligated to projects in their districts.

## VI. Appendices

### A. Appendices 1: Terms and Definitions

Some frequently and critical terms used in this report include:

DHEC – Department of Health and Environmental Control

EA – Environmental Affairs – the environment division of DHEC

EOP - Emergency Operations Plan (EOP)

ELT – Executive Leadership Team – division leaders that report directly to the agency director

FEMA – Federal Emergency Management Agency

OGC - Office of General Counsel

PA – Public Assistance – a reimbursement program that provides federal funding to help local, county and state municipalities respond to and recover from disasters

PHEP – Public Health Emergency Preparedness

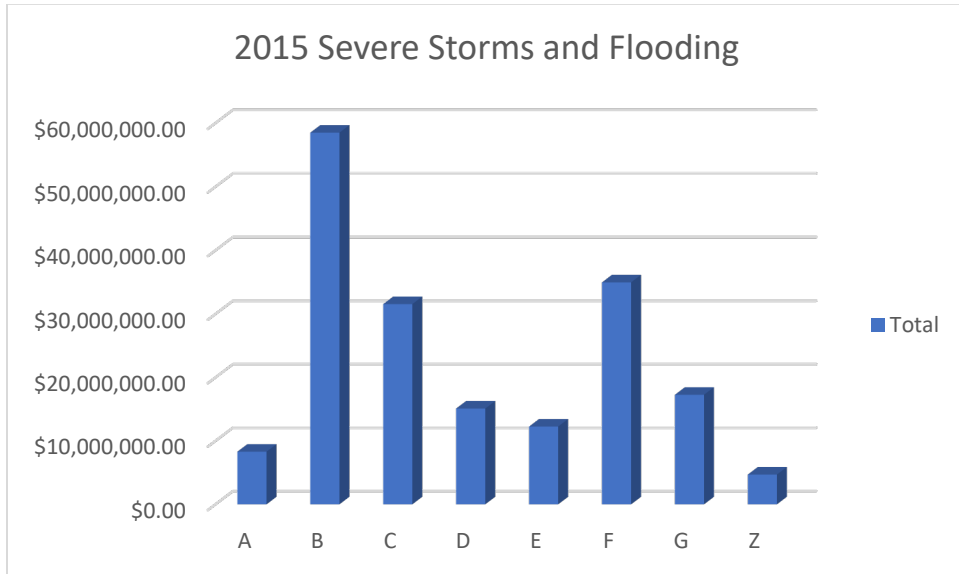
PHP – Public Health Preparedness

Region IV – Geographically defined area by the Federal Emergency Management Agency of 8 states consisting of: Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

SOP - Standard operating procedure

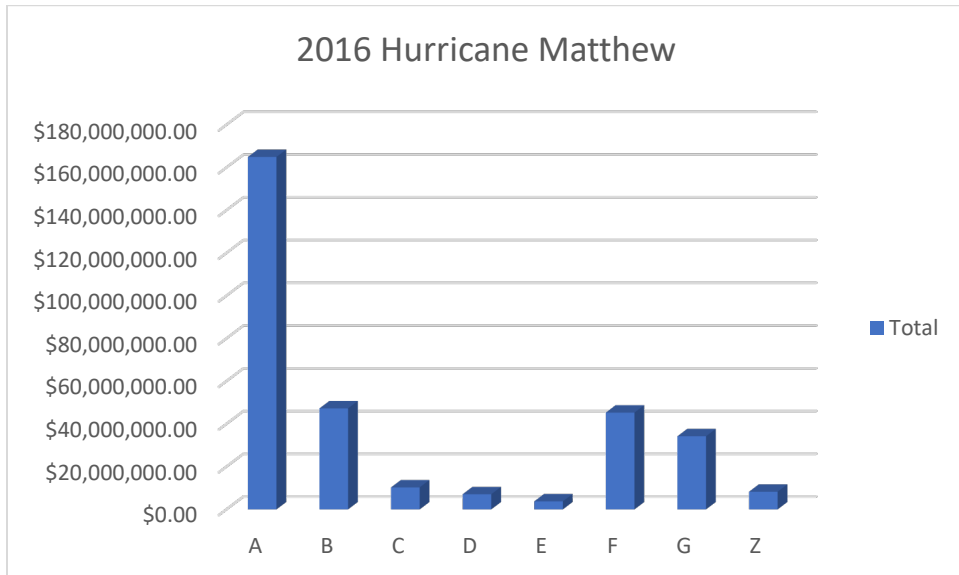
B. Appendices 2: Figures

Figure 1 - 2015 Severe Storms and Flooding



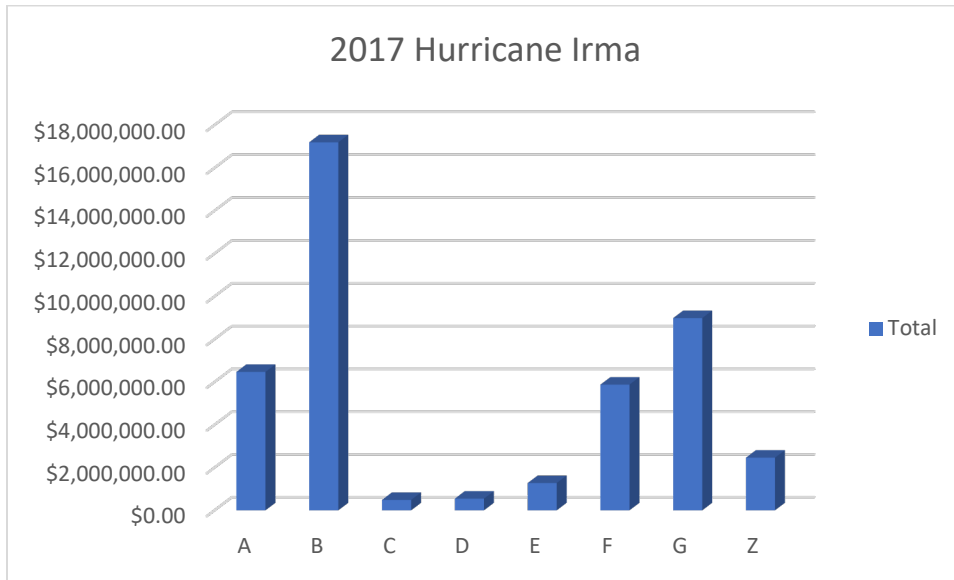
(South Carolina Recovery Task Force, 2019)

Figure 2 - 2016 Hurricane Matthew



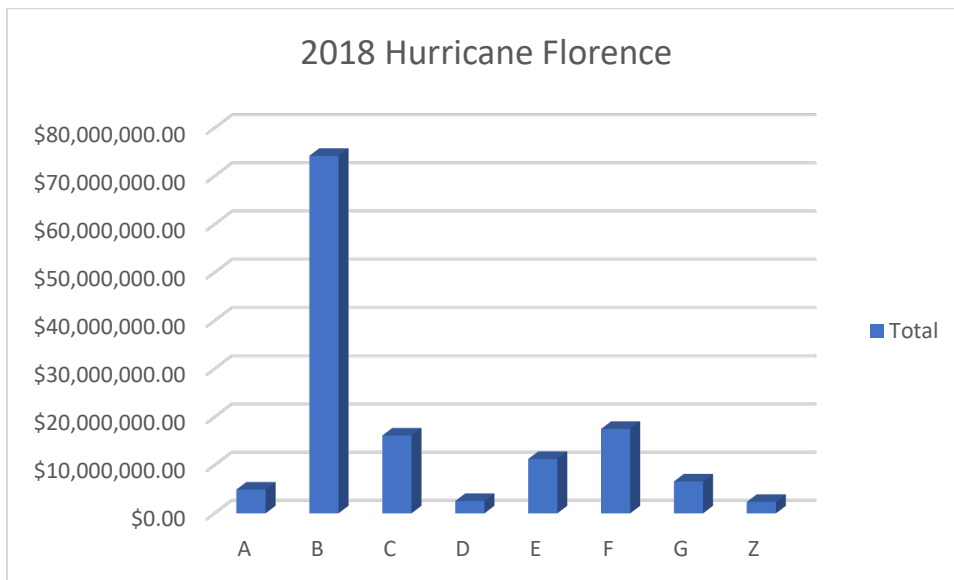
(South Carolina Recovery Task Force, 2019)

Figure 3 -2017 Hurricane Irma



(South Carolina Recovery Task Force, 2019)

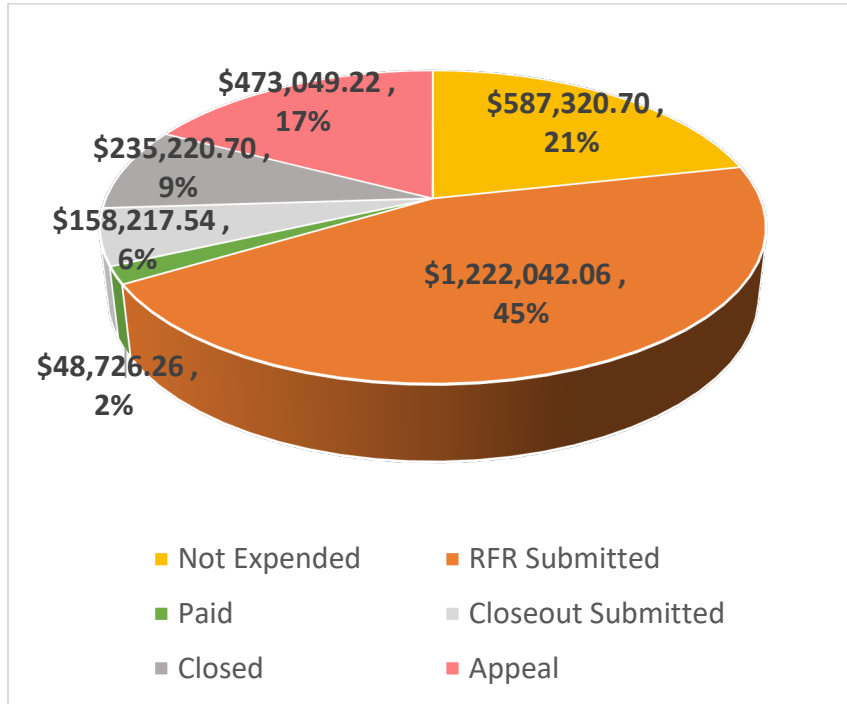
Figure 4 - 2018 Hurricane Florence



(South Carolina Recovery Task Force, 2019)

Figure 5 - 2015 Severe Storms and Flooding

**4241: 2015 Severe Storms and Flooding**



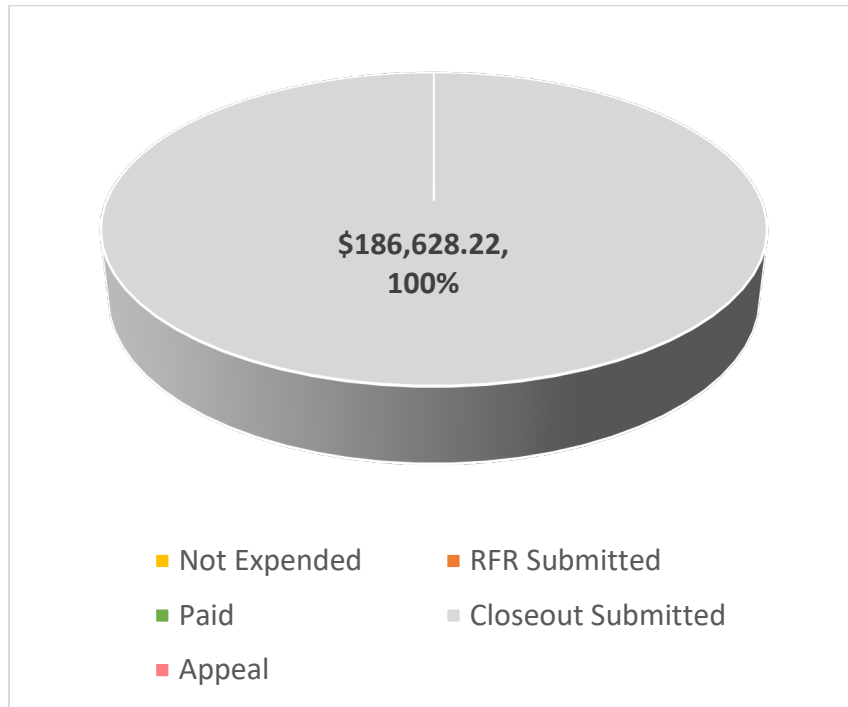
Total: \$2,724,576.48

(South Carolina Recovery Task Force, 2019)



Figure 6 - 2016 Hurricane Mathew

**4286: 2016 Hurricane Mathew**

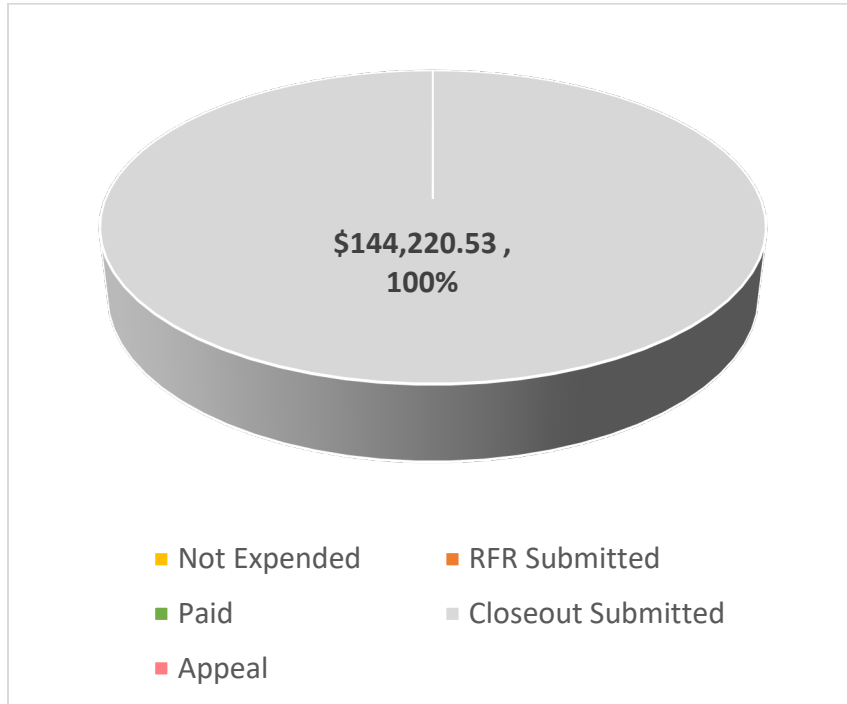


Total: \$186,628.22

(South Carolina Recovery Task Force, 2019)

Figure 7 – Hurricane Irma

**4346: 2017 Hurricane Irma**

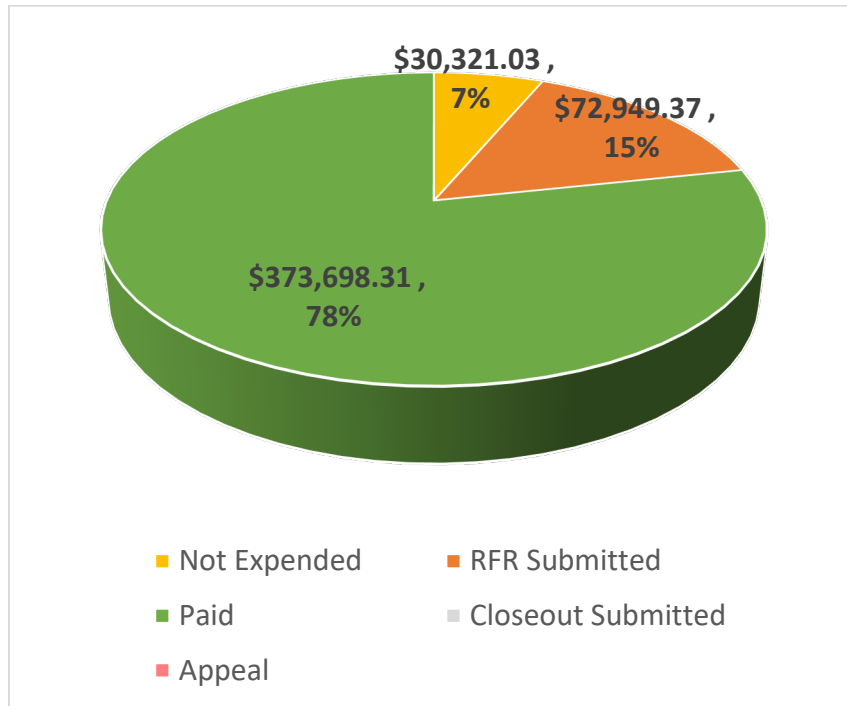


Total: \$144,220.53

(South Carolina Recovery Task Force, 2019)

Figure 8 – Hurricane Florence

**4394: 2018 Hurricane Florence**



Total: \$476,968.71

(South Carolina Recovery Task Force, 2019)

C. Appendices 3: Provisos (South Carolina Legislature, 2018)

**Forestry Commission – Proviso 43.2**

**43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.

**Office of Attorney General – Proviso 59.3**

**59.3.** (AG: Reimbursement for Expenditures) The Office of the Attorney General may retain for general operating purposes, any reimbursement of funds for expenses incurred in a prior fiscal year.

**SLED – Proviso 62.14**

**62.14.** (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.

**Department of Corrections – Proviso 65.10**

**65.10.** (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

**Department of Juvenile Justice – Proviso 67.5**

**67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.