

March 28, 2022

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C St., SW
Washington, DC 20472

Submitted via Federal eRulemaking Portal

Re: Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for Civil Rights and Equity, Docket ID FEMA-2022-0006

Dear Administrator Criswell:

We are pleased to respond to the Federal Emergency Management Agency (FEMA) request for comments on FEMA's proposed collection of demographic characteristics of those who apply for the Agency's programs or disaster assistance. As climate change increases the frequency and intensity of extreme weather events, it has never been more urgent to ensure that the nation's disaster programs provide equitable assistance to those who need it most.

It is well recognized that disasters (and our nation's responses to them) disproportionately harm low-income people, people of color, those with disabilities, and other groups marginalized by U.S. society. Our country's disaster policies and programs, intended to assist vulnerable people, in fact not only leave behind those with fewer resources but widen racial wealth gaps¹ and contribute to gentrification-driven displacement.² Research, anecdotal evidence, and lived experience all demonstrate that the United States' existing disaster policies perpetuate systemic inequalities. As FEMA's own National Advisory Council stated in its November 2020 report, "it is within the role of FEMA to recognize these [systemic] inequities (and the disparities caused by them) and ensure that existing or new FEMA programs, policies, and practices do not exacerbate them."³

Beyond ensuring that its programs do not exacerbate existing inequities, we also believe FEMA has a responsibility to ensure both that it does not create new inequities and that it is actively contributing to the reduction of underlying social and environmental risks that leave some communities more vulnerable. FEMA has a statutory mandate to act in an "equitable and impartial" manner, as required under the Stafford Act's nondiscrimination provision.⁴ The provision's legislative history demonstrates that this equity mandate far exceeds FEMA's obligations under Title VI of the Civil Rights Act. By including the provision in the 1970 Disaster Relief Act, the 91st Congress intended for FEMA and other federal, state, and private disaster agencies to not only address explicit instances of intentional discrimination, but also

¹ Junia Howell and James R. Elliott, "Damages Done: The Longitudinal Impacts of Natural Hazards on Wealth Inequality in the United States," *Social Problems*, August 2019, <https://doi.org/10.1093/socpro/spy016>

² Eric Joseph van Holm and Christopher K. Wyczalkowski, "Gentrification in the wake of a hurricane: New Orleans after Katrina," *Urban Studies*, October 2019, <https://doi.org/10.1177/0042098018800445>

³ FEMA National Advisory Council, Report to the FEMA Administrator, November 2020, https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf

⁴ 42 U.S.C. § 5151(a)

unintended impacts that disparately affect groups depending on their race, nationality, ethnicity, sex, age, ability, or economic status.⁵

To fulfill its Congressional mandate and ensure that federal disaster relief truly serves the most vulnerable, FEMA must collect the information necessary to assess its activities. Without data on the race, ethnicity, and other demographic characteristics of applicants and assistance recipients, it is impossible for FEMA and its external partners to rigorously evaluate and ultimately improve the Agency's practices in relation to equity. A recent Government Accountability Office report that found that the lack of data collection by FEMA prevents the agency from achieving equity goals articulated in the National Disaster Recovery Framework.⁶ Most research to date regarding the distribution of FEMA assistance has been unable to directly examine individuals' outcomes based on race and ethnicity; studies must infer disparate outcomes based on the distribution of assistance by the racial and ethnic makeup of neighborhoods or census tracts.

We also echo and support the comments of the National Low Income Housing Coalition and its Disaster Housing Recovery Coalition, particularly their recommendations related to data access and transparency.⁷ FEMA should make aggregated and anonymized applicant and recipient demographic data available on its OpenFEMA data portal and develop a standardized data-sharing framework under which qualified research organizations can access FEMA data that includes personal identifying information.

FEMA has a moral, ethical, and legal obligation to ensure that disaster assistance is distributed in an equitable manner without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status. We applaud FEMA's efforts in moving forward to ensure this obligation is met. Knowing the race, ethnicity, and gender of who receives and doesn't receive assistance, and sharing those data, are important steps in these efforts.

Sincerely,

National Organizations and Coalitions

American Rivers

Anthropocene Alliance

Environmental Defense Fund

National Wildlife Federation

Natural Resources Defense Council

The Nature Conservancy

State and Local Organizations

Citizens' Committee for Flood Relief (Missouri)

Coalition for Wetlands and Forests (New York)

⁵ Hannah Perls and Dane Underwood, "Equitable Disaster Relief: An Analysis of FEMA's Legal Authority to Integrate Equity under the Stafford Act," Harvard Environmental and Energy Law Program, August 2021, <https://eelp.law.harvard.edu/2021/10/equitable-disaster-relief/>

⁶ U.S. Government Accountability Office, "Disaster Recovery: Additional Actions Needed to Identify and Address Potential Recovery Barriers," GAO-22-104039, December 2021, <https://www.gao.gov/products/gao-22-104039>

⁷ See <https://www.regulations.gov/comment/FEMA-2022-0006-0014>

Community In-Power and Development Association Inc. (Texas)
Go Austin Vamos Austin (Texas)
Groundswell Charleston (South Carolina)
Horry County Rising (South Carolina)
MS Communities United for Prosperity (Mississippi)
Northeast Ohio Black Health Coalition (Ohio)
People for Community Recovery (Illinois)
Residents Working Against Huron River Flooding (Michigan)
Somos Semillas Antillanas (Puerto Rico)
South River Watershed Alliance (Georgia)