Final Rule
Contingency Plans

Public Webinar
February 2013
Overview

- Background, Purpose, and Requirements
- Compliance Timeline
- Four Part Criteria
- Guidance and Resources
- Questions
What is meant by “Contingency Plan”?

Contingency Plans are also known as “Emergency Plans” and they represent a strategy and course of action to be taken in response to an emergency, system failure, or disaster.

There are many different types of emergencies a facility can experience and should plan for, from natural threats (e.g. floods, tornadoes, or ice storms) to technical or man-made threats (e.g. electrical outages or building fires) to widespread employee illness (e.g. seasonal flu) to intentional acts (such as demonstrations, thefts, or computer security breaches).
Why is this rule important?

Due to lessons learned during the 2005 hurricane season, the federal government directed its focus towards a multi-pronged effort to promote emergency preparedness as a way to minimize the impact of disasters. Through the years, APHIS in its own right has evolved to more fully realize the role it plays in animal emergency response, and this rule is a major component of our efforts to promote emergency preparedness. Over the years, we have found that some entities regulated under the Animal Welfare Act do not have plans in place for emergencies, which is in line with external research that shows 65% of small- to mid-size businesses are unprepared to deal with an emergency since they lack a contingency plan (Gartner 2002).

It is in our society’s nature to believe that horrible things won’t happen to us. But this way of thinking is proving unsustainable, in that disasters are happening on an increased frequency due to changes in weather patterns and populations relocating into more vulnerable areas, such as coastlines. People used to think “well, I’m not on a fault line in California, and I don’t live in Louisiana, so I’m safe.”
This is no longer true: in 2012 alone there were 47 Presidential Disaster Declarations, impacting 32 states and territories. 11 disasters caused over $1 billion in property damage alone.

[Pic of dolphin: Rescuers transporting the last of 8 trained dolphins that was washed into the Mississippi Sound in Gulfport after Hurricane Katrina
http://www.msnbc.msn.com/id/9424961/ns/us_news-katrina_the_long_road_back/t/displaced-dolphins-are-rescued-mississippi/#.UQGFqaWBC14]
FEMA Presidential Disaster Declarations Map

It is a misperception to think that last year was a fluke. This is a map released by FEMA of disaster declarations over the last 10 years in the United States, broken down by FEMA region. The darker the region, the more frequent the disasters in that area, but you can see that there are no areas across the entire US that are immune to disaster. And these are *presidentially declared disasters* that don’t include those smaller scale impacts which affect a particular business or a city block.
Why is this rule important? (cont…)

APHIS believes that all licensees and registrants under the Animal Welfare Act should develop a contingency plan for regulated animals in an effort to better prepare for potential disasters. Developing contingency plans could potentially save the lives of the animals under their care and their employees, as well as ensure continuity of business operations during an emergency and shorten the time needed to return to fully operational status after such an emergency.

[Pic of dolphin: Rescuers transporting the last of 8 trained dolphins that was washed into the Mississippi Sound in Gulfport after Hurricane Katrina
http://www.msnbc.msn.com/id/9424961/ns/us_news-katrina_the_long_road_back/t/displaced-dolphins-are-rescued-mississippi/#.UQGFqaWBC14]
Timeline to Compliance

The Contingency Reg final rule was published in the Federal Register on December 31st of last year (2012). Thus the date the rule became “effective” was January 30th. According to the regulation, facilities have 180 days after the rule became effective to develop their plan. Thus they have until July 29, 2013 to have a plan in place. Facilities have 60 days after their contingency plan is in place to train all of the employees on the plan, which brings us to September 27th of this year.

Once facilities have their plan in place and all the employees trained (September 27, 2013), APHIS inspectors should be able to view contingency plans for the facility during a routine inspection.

We wanted to give facilities this long lead time to develop their plan and share it with their employees, because we believe the planning component of this process is the most important, as that is where facilities focus on their individual needs and circumstances. The written plan is merely the evidence
that facilities have gone through a planning process.
What is required?

These are the three items that facilities are to prepare as a result of walking through this planning process. Again, you can look at these as the evidence that a facility has thought through a plan, has shared it with staff, and that the facility is reviewing the plan and revising it as needed on a yearly basis. Contingency planning is an organic process that can be impacted by changes to the facility, personnel structure, and lessons learned after a disaster, thus we feel annual review of the plan is an important component to emergency preparedness.

One of the questions that has come up is whether or not intermediate handlers and carriers are also covered by the regulation. As we believe in the importance of emergency preparedness to animal welfare, this regulation applies to all facilities regulated under the AWA. Thus intermediate handlers and carriers are indeed covered. We are working on outreach planning specific to these industries to develop guidance on compliance for facilities such as these that are regulated under the AWA.
What is **not** required by the regulation?

- Submission of plans to APHIS
- Standard format or template
- APHIS evaluation of how the plan worked after a disaster

**What is NOT required by the reg?**

Facilities are not required to submit their Plans—they just need to have them available for inspection.

There is no standard format for a facility’s Plan, since the intent of the regulation is to give our regulated entities the freedom to design a plan that best works for them on an individual basis.

There is nothing in the regulation about reviewing the functionality of the Plan. Thus, if a facility is impacted by a disaster and enacts its Plan, there is not requirement under the regulation that APHIS review how well the Plan worked.
Additional Information

Holding Facilities

- Part 2: Subpart C, §2.38(i)(4); Subpart H, §2.102(a)(4) & (b)(3)

Traveling Entities must carry plan on the road

- Part 2: Subpart I, §2.134(b)

Additional Information

For consistency with current regulations, the Contingency Plan regulation includes mention of Holding Facilities, even though we are not regulating any at this time. The Contingency Plan reg requires that Holding Facilities—defined under the AWA as facilities that have received pre-approval for maintaining animals for dealers, exhibitors, or research facilities for a period longer than 5 days—should have their own compliant Contingency Plans or be included in the Plan of the originating licensee or registrant.

The Contingency Plan reg also states that traveling entities should have a copy of their facility’s Contingency Plan with them such that it is available for inspection upon request.
Marine Mammal Facilities

Since the marine mammal regulations already have certain requirements for contingency planning, such facilities are mentioned specifically in the Contingency Plan reg for clarity's sake. The Contingency Regulation does not require submission to APHIS of any additions to their Contingency Plans that they make under this regulation.

No change to current contingency plan submissions

- Part 2: Subpart C, §2.38(l)(2) and Part 3: Subpart E, §3.101(b)
The Four Questions

The regulation provides a basic skeleton of the components of a Contingency Plan. As we have said before, there is no one-size-fits-all template for a Contingency Plan.

But we know from scientific research on emergency preparedness and from experienced emergency managers that people are more willing to walk through the planning process if they have some sort of basic structure to follow. With that in mind, we’ll go over the four questions that should be answered in a Contingency Plan, according to the regulation.
WHEN

First is identifying “the WHEN”, as in when will your Contingency Plan be triggered.

Facilities are given the leeway to identify emergencies likely to happen in their region and to their type of facility. Identifying what emergencies are seen frequently will depend on the type of facility and its geographic location. The type of facility will determine the specifics in its plan, since every facility has a unique set of variables that will determine the type and nature of the challenges it faces. Remember that the term “emergency” doesn’t only apply to natural disasters, but could include a structure fire, or even a toilet in the building that overflows, causing flooding to an entire floor.
Successful emergency plans outline tasks under the plan with enough detail that anyone reading the role will understand what they are supposed to do during an emergency. Agility, a company that has partnered with the US Small Business Association to develop emergency preparedness guidance materials for small to mid-size businesses, evaluated the 15,000 businesses they worked with last year, and found that one of the biggest points of failures in an emergency response was employee confusion about their roles during an emergency. Agility found in their work with businesses that involving the team in the development of the plan and enabling the staff to participate in developing and assigning tasks created a more practical and operational plan that promoted employee engagement and belief in a common vision.

Depending on the complexity and specific needs of a facility, tasks identified in the plan could include actions needed for animal evacuation, or actions needed to maintain the animals onsite during an emergency. Animal escapes are also referred to in this part of the regulation.
WHO

As we discussed on the previous slide, experience has shown that responding to emergencies goes more smoothly if people have clarity on what tasks they are in charge of carrying out. Thus the third question that should be answered in a Contingency Plan is Who does what. How facilities determine to identify their chain-of-command will depend on many aspects, including the type of facility, employee turnover, and the number of employees. This chain-of-command for the plan can be identified by the name or position of the person in charge of each task or multiple tasks.
The final question a Plan should address is how will they get these tasks done. Figuring out the “How” includes identifying materials and resources required for emergency response and recovery. Trained employees who understand the Plan and their role in it are a critical resource, so facilities should make sure employees are aware of the Plan and the tasks they must fulfill under that Plan. Many of our facilities have paid and volunteer employees (including family members who help out with the animals), so the more all the employees know about and understand their role in a response to emergency, the more successful the plan can be. Emergency preparedness experts tout the benefits of employee training and focusing on moving employees from awareness level competency to operational level competency.

One more note about training: Facilities are given 30 days to train new employees on the plan, as well as 30 days to retrain their employees on the Plan if they make changes to it.
Coming Soon

The rollout for this regulation is an ongoing process, so there will be more information and guidance forthcoming in the days and months ahead. As we said earlier, we will be working on developing guidance for those facilities who temporarily handle animals, such as transportation facilities and intermediate handlers.

We are also working on developing compliance training tools our inspectors can use to enable their facilities to go through the contingency planning process to develop their own plans. We have put together a web page specific to the Contingency Reg, which I will walk you through in the slides that follow.

And, of course, if anyone has additional ideas on guidance material or training approaches, please do not hesitate to contact us.
Animal Welfare Act Contingency Webpage

This is a clearinghouse of useful information we have gathered on the regulation and on emergency planning for our regulated industries.

To get there, follow these steps:
APHIS home page → Animal Welfare → Animal Welfare Act (or you can just Google APHIS Animal Care Contingency).
AWA Contingency Webpage cont..

At this page, you will find the Federal Register Notice, a Tech Note going over the basics of the regulation, a Frequently Asked Questions document, and links to sites on business continuity planning that we have gathered with input from experts in the field of emergency management.

In the future we will be posting at this same site a link to a recorded version of the public webinars, for those who were unable to attend either of our two sessions. We will also be posting answers to questions that came up on the webinars or afterwards.
AWA Contingency Webpage – Links:

As far as the links to web pages on business continuity, we provided sites supported by federal or state entities. They are varied in style, interface, and information, because we wanted to provide a variety of options for access to guidance that would work best for individual facilities.

The National Agricultural Library links to a page entitled “Information Resources for Institutional Animal Care and Use Committees 1985-1999” so is a bit outdated but has multiple weblinks to other sites on emergency planning, checklists of questions and priorities a facility can walk through in their business continuity planning process, a table estimating food and water requirements for animals, and an extensive bibliography on emergency planning.

The US Geological Survey page links to multiple monitoring and alert systems for specific hazards, including earthquakes, wildfires, and hurricanes. As you link to a specific type of disaster, you can also get access to guidance for homes and facilities prone to such disasters. For example, linking to the earthquake page gains you access to USGS’s detailed, interactive guide entitled “Putting Down Roots in Earthquake Country”, information on local earthquake drills, links to FEMA’s Earthquake Preparedness Publications, and
links to over 50 different sites with information on preparing for earthquakes and tsunamis.

The US Small Business Administration has partnered with Agility Recovery, a company that specializes in training for and consulting on business continuity. The site has links to multiple PDF guidance documents covering all components of business continuity planning. They also provide free monthly webinars—all of which are stored on the site.

FEMA's Ready.gov site has links to multiple guidance documents on business continuity planning as well as free downloadable software—called the Business Continuity Planning Suite—that can be used by businesses to create, improve, or update their contingency plans. The software is scalable and includes training, automated plan generators, and guidance on testing a plan.

The NIH link brings you to OLAW's Disaster Planning and Response Resources which provides access to 15 different sites on disaster planning they deemed useful to PHS awardee institutions. There is also a link on our site to the Emergency Preparedness excerpt from OLAW’s IACUC Guidebook. This downloadable word doc walks research facilities through risk assessment, communications, risk reduction, and how to build a disaster plan and disaster response team. There are also worksheets walking through different types of emergencies and a bibliography on emergency preparedness.

Over the past four years USDA has been collaborating with Lincoln Park Zoo and the Association of Zoos and Aquariums as the “Zoo Animal Health Network,” where we have helped fund projects centered around zoo disaster preparedness and highly pathogenic avian influenza outbreak management. The Zoo Best Practice Working Group pulled together subject matter experts in zoo disaster response to provide multiple pdf guidance docs covering different components to business continuity planning and disaster response in zoos. All of the materials are available free of charge online.

Lastly, the UC Davis disaster preparedness document is almost 100 pages long. Although it is specific to California in some areas, most of the information can be generalized to animal facilities nation-wide and is incredibly detailed. Included is guidance on forming relationships with local emergency management agencies (including templates for emergency contacts and a Memorandum of Understanding), planning checklists for animal transportation, sheltering, feed and other animal supply resources, and key elements in developing a disaster plan.
As you can see, there is a myriad of guidance materials already out there, all accessible through the APHIS website on the Contingency Regulation.
Better Planning Means Better Animal Welfare

Over the next few months, we will be rolling out guidance and education on this regulation prior to the September 27th date when plans should be available for APHIS inspectors on routine inspection. Our focus is on enabling facilities to go through the planning process and to develop contingency plans that are individualized and work best for them.

We believe that this regulation has the power to potentially save the lives of the animals and the lives of staff caring for those animals. Emergencies that impact our facilities rarely—if ever—occur in a vacuum. When an emergency occurs, it can impact not only the facility, but the families and communities around them. Empowering our facilities to be better prepared for those emergencies by enabling them to walk through the planning process increases their own resiliency, protects animal welfare, and supports the resiliency of the community around them.

We want to promote the idea that readiness is ACCESSIBLE and
EMPOWERING.
Additional questions?

- Visit our website
- Contact yourAPHIS inspector
- Dr. Jeanie Lin
  Eastern Region Animal Care
  Emergency Programs Manager
  jeanie.lin@aphis.usda.gov
  (919) 855–7100
- Members of the press contact
  David.Sacks@aphis.usda.gov