

United States Senate

WASHINGTON, DC 20510

March 20, 2024

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

Dear Administrator Criswell,

We write to respectfully urge the Federal Emergency Management Agency (FEMA) to update its methodology for determining if federal reimbursement of snow-related activities is warranted following a severe snowstorm. FEMA must work with the National Weather Service (NWS) to construct a multi-pronged, statistically driven approach to develop an inclusive and complete system for assessing which snowstorms rise to the level of a federal response. Increasingly intense and destructive snowstorms across the United States in recent years have highlighted why FEMA must update its methodology to ensure that federal funds can flow to communities that have been inundated with storms beyond their capacity to respond to. We stand ready to support FEMA as it develops a more inclusive and complete reimbursement methodology for future storms.

Currently, FEMA's Public Assistance Program and Policy Guide (PAPPG) indicates that states and Tribes impacted by a severe snowstorm can seek reimbursement for "Snow-Related Activities" under Category B – Emergency Protective Measures only if a county received record or near record 1-day, 2-day, or 3-day snowfall, as determined by the NWS. The 1-, 2-, and 3-day snowfall record is assessed and maintained by the NWS, and is a count of how much snow falls within a day. The NWS notes that, "A 'day' is defined as a calendar day (midnight to midnight LST), which is consistent with first-order climate records [where] [m]easurable snowfall (at least 0.1 inches) had to fall on 2 (3) consecutive days in order for it to count as a 2 (3)-day snowfall total." Additionally, FEMA clarifies that a "near record" is within 10% of the record snowfall.

The real-life implication of this requirement is that a freak storm under perfect conditions could record exceptionally high snowfall totals across 1, 2, or 3 days, increase the NWS snowfall record, and necessitate a FEMA declaration. While this is important for that initial event, every subsequent storm that is still far above the average, but less than 10% of the now-higher record snowfall, is no longer eligible, even if a region suffers 10 such storms in one year. With extreme storm systems becoming increasingly common, FEMA must be prepared with formulae that help ensure an appropriate disaster response.

Furthermore, if a county or Tribal land does not exceed the NWS record totals, then the expense of snow removal, de-icing, salting, snow dumps, and sanding of roads cannot be included in a state's or Tribal government's Major Disaster declaration application, making it less likely a state or Tribal government can hit its Major Disaster Public Assistance threshold. While we agree that not every snowstorm warrants a federal disaster response, FEMA's current single metric approach based only on an all-time snowfall record is an increasingly inaccurate way to assess if federal assistance is justified.

Therefore, we urge FEMA to update its PAPPG to adopt a multi-pronged, statistically driven methodology for determining if federal reimbursement for snow-related activities is warranted following a severe snowstorm, and to work with the NWS to develop a more inclusive and complete system for assessing which snowstorms rise to the level of a federal disaster response.

It is our strong belief that C.F.R. 206.227, stemming from the authority provided in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provides sufficient authority for FEMA to interpret “record or near record snowstorms” in a multi-pronged, statistically driven approach in the updated version of the PAPPG. FEMA, working in coordination with the NWS, has the authority to determine what “record or near record snowstorms” means in the context of this regulatory language. We urge FEMA, in coordination with the NWS, to use all the tools and data at its disposal to use this broad definition to implement the statistically driven, multi-pronged approach to determine snow assistance eligibility that best serves Americans impacted by severe snow-related weather.

If FEMA concludes that it is not possible to update the PAPPG in the ways outlined above, we urge FEMA to make these changes through its agency rulemaking process. We are confident that a multi-pronged, statistically driven approach for determining if federal reimbursement for snow-related activities is warranted following a severe snowstorm, and strongly believe that this interpretation will allow FEMA to better fulfill its mission to help people before, during, and after disasters. Our states’ residents have seen firsthand how difficult it is to dig out after a severe snowstorm, and FEMA’s assistance is critical to ensuring that communities impacted by severe weather can recover and rebuild to be more prepared for the next storm.

We appreciate your attention to this important matter and look forward to your response. Please do not hesitate to reach out to our staff with any questions.

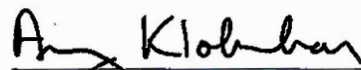
Sincerely,



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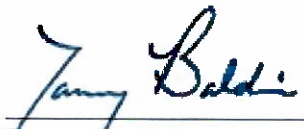
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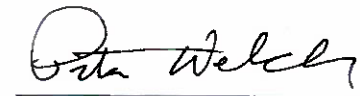

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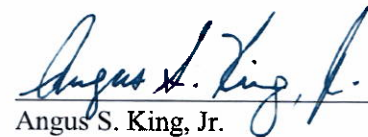

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CC:

The Honorable Ken Graham, Director, NOAA's National Weather Service