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FEMA Denies Texas Request for Full Disaster Aid, Rankling Stricken Town

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Mark Graham for The New York Times

Marty Crawford, the West school district superintendent, in a gymnasium damaged by the fertilizer plant explosion.

WEST, Tex. — When the federal government declined to give Texas officials all the disaster aid they sought after a deadly fertilizer plant explosion here in April, it not only outraged local leaders struggling to rebuild but also raised another, politically thornier issue.

Why ask Washington for federal dollars for aid when Texas has plenty of its own dollars?

In a request sent last month to President Obama, Gov. Rick Perry wrote that the magnitude and severity of the disaster exceeded state and local resources. Because the president had already authorized the federal government to cover 75 percent of the state's costs for debris removal and emergency response, the governor's request amounted to a relatively small amount — roughly \$17 million in uninsured and underinsured damages to public buildings, equipment and utilities.

Federal officials have so far paid or agreed to pay an estimated \$25 million to the state and to affected families after the explosion — about \$17 million for emergency work and nearly \$8 million in grants and low-interest disaster loans for individuals. But the Federal Emergency Management Agency determined that under the federal disaster law, called the Stafford Act, the \$17 million in uninsured public infrastructure damages were within the capabilities of the state and local governments. The state's request to the president was denied because Texas failed to provide evidence that it "lacked the fiscal resources to address the remaining \$17 million," a FEMA spokesman said.

Mr. Perry has called the state's strong economy "the envy of the nation." Texas leads the country in job creation, and the two-year, \$197 billion budget recently passed by state lawmakers provided Texans with more than \$1 billion in tax relief. The state's Rainy Day Fund, generated largely by oil and gas production taxes, has about \$8 billion. The Legislature approved \$2 million for West relief.



Mark Graham for The New York Times

Jeanette White visiting the site of the plant, where her brother Kevin Sanders died.

Disaster and emergency response experts said federal officials made the wisest, though not the most popular, decision in turning down the state's request. The total uninsured damages of \$34.5 million barely exceeded the \$34.4 million state threshold that federal officials use as a guide in determining whether to recommend approval of a disaster request. In addition, nearly half of the \$34.5 million total included the emergency costs the president had already approved.

"This was a very easy turndown," said Frances L. Edwards, a disaster response expert, professor at San Jose State University and former municipal director of emergency services. "The State of Texas is not a poor state. They have significant revenues. The philosophy is that federal money should only be used as a last resort where there really is no reasonable alternative."

Presidents have been generous to Texas when it comes to disaster declarations, despite the anti-Washington sentiments of the state's political leadership. From 1953 to 2011, Texas received 86 major-disaster declarations, the most of any state in the country, according to a 2012 report by the Congressional Research Service. California received 78, and New York 65.

Mr. Perry has until early July to appeal the decision, and state officials were working with West leaders, as well as FEMA regional officials, to determine their next steps. “These are taxpayer dollars that have been appropriated by Congress for the specific purpose of disaster relief, and I am not aware that a state being fiscally responsible is a condition for denial in the Stafford Act,” said a spokeswoman for the governor, Lucy Nashed.

In his request to the president, the governor suggested that the state had struggled to respond to a series of floods, wildfires and other disasters, and noted that state and local agencies had already spent more than \$6 million on the West recovery. And he stressed that the \$34.5 million in uninsured damages was a fraction of the estimated \$100 million total damages for public entities.

In Austin and in West, the denial of aid has been cast in simplistic terms, with many expressing shock that the federal government found that an explosion that killed 14 people and destroyed or severely damaged 193 of the town’s 700 homes did not qualify as a major disaster. The double-decker headline in The West News read, “FEMA rejects West, ‘Says it was not a disaster.’ ”

At the West Fertilizer Company plant, now strewn with crushed vehicles and mashed storage tanks, Jeanette White, 36, stood in tears the other day. Her brother was Kevin W. Sanders, 33, one of the 10 firefighters and emergency responders who were killed.

“I think it’s deplorable,” Ms. White said of the federal denial, her hands gripping the chain-link fence. “What happened here isn’t right. My brother was a good man. He was a new father. He didn’t get to spend Father’s Day with his son.”



Mark Graham for The New York Times

Debris and damage from the April 17 fertilizer plant explosion remain in West, Tex.

The refusal has supplied Texas Republican critics with an opportunity to go after the Obama administration, pointing out that Texas' request was turned down seven weeks after President Obama pledged federal support in helping the town rebuild.

"We'll be there even after the cameras leave and after the attention turns elsewhere," the president said at a memorial service for the victims. "Your country will remain ever ready to help you recover, and rebuild and reclaim your community."

Mr. Perry has repeatedly quoted Mr. Obama's remarks, as has the Texas attorney general, Greg Abbott, who is considering running for governor in 2014. "President Obama has yet again promised one thing and then not delivered," Mr. Abbott said in a statement.

Federal officials have sought to distance President Obama from the decision to deny the aid to West. The letter turning down the state's request was signed by W. Craig Fugate, the director of FEMA. But disaster experts said that only presidents could issue major disaster declarations, and only presidents could deny them, often based on FEMA's recommendations. The president also has the authority to disregard the thresholds of qualification and FEMA's recommendations and approve a governor's request if he wishes to do so.

"It is standard practice for the president to announce approvals and the FEMA administrator to announce denials, but make no mistake, the denial decision was made at the presidential level," said Richard T. Sylvester, a professor with the Institute for Crisis, Disaster and Risk Management at George Washington University.



Mark Graham for The New York Times

The town's intermediate school. Three of its four public schools sustained major damage or were destroyed.

The explosion in West was one of the worst industrial disasters in Texas history. Three of its four public schools — the intermediate school, middle school and high school — as well as a nursing home and a 50-unit apartment complex sustained major damage or were destroyed. Half of West's 700 homes had minor or major damage. The town lost 65 percent of the revenue it generates from water usage, and 35 percent of its property tax base.

"I don't like to take help from anybody," said the mayor, Tommy Muska. "But it came to the point where we cannot afford, with the loss of income and the loss of revenue that the city has had because of the explosion, to go out and get a grant or a loan to build this city back. We cannot repay it. That to me is a disaster."

The school district was insured for \$59 million, but Marty Crawford, the superintendent, said the damages easily exceeded that. He and other town leaders remain hopeful that the additional aid will be approved on appeal.

"We don't ask for a lot of handouts here in West," he said. "But at the same time, if West is to survive, the support and the aid needs to be available."