



ADA Live!

Episode 85: Emergency Preparedness and the ADA During the COVID-19 Pandemic

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Robbie Kopp: Hi, I'm Robbie Kopp and you're listening to ADA Live!

4 Wheel City: (rapping)

Mary Morder: Hello everyone. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, welcome to ADA Live! I'm Mary Morder of the Southeast ADA Center. Listening audience, if you have questions about the ADA, you can use our online forum adalive.org.

Emergencies and disasters can happen at any time. According to the International City and County Management Association and Association of City and County Managers, 76% of local governments have responded to a major disaster in the past 15 years. Floods, blizzards, and hurricanes were the most reported disasters and of these hurricanes were the most reported. Although over 87% of local governments have a disaster response plan, there are huge gaps in addressing the safety of people with disabilities, low-income citizens, and our aging population.

Moreover, the Federal Emergency Management Agency, commonly known as FEMA, reports that a majority of Americans have not practiced what to do in a disaster and do not have a personal disaster plan. An important function of state and local government is to protect citizens from harm, including helping people prepare for and respond to emergencies. Making state and local government emergency preparedness and response programs accessible to people with disabilities is a critical part of this responsibility.

The Americans with Disabilities Act of 1990 or the ADA requires state and local government programs to be fully accessible for people with disabilities. Joining us today to discuss emergency preparedness and the ADA is Robbie Kopp, Director of Advocacy and Community Access for Able South Carolina. Welcome Robbie. We're glad to have you here today.

Robbie Kopp: So glad to be with you.

Mary Morder: Let's get right into it. Can you tell me what parts of the ADA apply to emergency preparedness?

Robbie Kopp: This is such a great question. The biggest consideration for the ADA and emergency management and preparedness is Title two, for state and local governments. Planning, response, and recovery are all programs provided by local governments, primarily the state and the counties, but other parts the ADA may apply as well. And only when the ADA has fully realized and fully implemented in each of these agencies, will we see the greatest gains.

We know that organizations that have people with disabilities on staff, flexing their muscles under ADA Title one, those organizations are much more likely to better consider the needs of people with disabilities. But that doesn't change the bedrock requirement under Title two, that all programs, activities, and services will be made accessible for folks with disabilities.

Mary Morder: Thanks for that, Robbie. I'm so glad you mentioned that agencies need to have people with disabilities involved in the planning and preparedness. That's such a

key part. Tell me more about how the ABA guides at the state and local emergency response.

Robbie Kopp: Absolutely. Well, when we think of the ADA, the bedrock of ADAs work is to make sure that there's no discrimination that people with disabilities. That is especially important with a disaster because when disaster strikes, everyone is at risk. We are working to make sure that a storm or an earthquake or other disaster, natural or manmade doesn't have the worst impacts possible, but those impacts are mitigated, they're made lesser.

So with that, we want to make sure that people with disabilities equally benefit from those programs, activities, and services. If the plans don't include people with disabilities, then there are going to be some considerable issues, whether that's with transportation or sheltering specifically, that we'll talk a little bit more about later on.

Mary Morder: What are the ADA obligations of our emergency responders specifically?

Robbie Kopp: I just touched on that a little bit, but really to put it most directly is to provide equal access to programs, activities, and services to all their constituents. So when we talk about emergency planning, an emergency plan is going to have lots of different parts. And we'll break down those parts a little bit as we continue this conversation.

But we want to make sure that every one of those parts, whether it is a plan for how to provide transportation or evacuation or sheltering, or how to deliver meals, if we find that we're in a prolonged shelter in place scenario. Every one of those things, every one of those pieces of the plan should include how that program activity or service is going to be implemented for everyone and reaching everyone.

One of the big things that in my work with ABLE South Carolina, that I've seen is the real clear need of ADA coordination inside emergency management. So your listeners, I'm sure they're well brushed up on the ADA, maybe better than the general population, but with the requirements of Title two, there's an expectation for state and local governments,

organizations that have 50 or more employees that they'll have an ADA Coordinator that is working to address barriers.

In my experience, I've seen very few ADA Coordinators inside emergency management. Here in South Carolina, we do have an ADA Coordinator inside the Emergency Management Division on the state level. And on the local level, it's a little more piecemeal with organizations being less directly aware, having someone less clearly assigned to ADA Coordinator responsibilities most often.

And that puts us at a disadvantage that makes it so that there isn't a key staff inside the organization that's really working to address barriers before they become real barriers while they're just a plan. It's needed, there needs to be more attention paid to the ADA Coordinator obligation and its impact on every piece of the plan.

Mary Morder: I agree with you. That's an important key component that we need to work on. Turning our questions a little bit in another direction. Are there other laws besides the ADA that address inclusion of people with disabilities in emergency preparedness?

Robbie Kopp: There are. We look to the Rehabilitation Act of 1973 as a mechanism for any organization that receives federal funding. So that's an important one to think about when a state or local government is purchasing communications equipment or they're building a building or they're making adjustments to a building. We would expect that they would follow the requirements of the Rehabilitation Act. They are expending funds, they receive federal funds, and everything that they purchase needs to be inclusive and accessible.

We also have some considerations with the Fair Housing Act, which there needs to be some more clarification on where we have shelter operations. Typically, the shelters are not open very long. It is a goal for most organizations to close the shelters as quickly as possible. Once it's safe to get people out, then get people out. But where there are longer term shelter operations, I think we need to consider the Fair Housing Act and the impacts that it would have.

We want to make sure that there is accessibility everywhere and where shelters become housing is a bit of gray that needs to be clarified, some. Apart from that, the real heart of the inclusion of people with disabilities is made the most clear through the Americans with Disabilities Act.

Mary Morder: Excellent points again about the housing. That's often an overlooked part of the whole emergency preparedness plan. Thanks for pointing that out, Robbie. What are Emergency Support Functions, which are also known as ESFs? And what is their role in emergency preparedness planning?

Robbie Kopp: ESFs are hugely important. They are part of how the system is built. So with Emergency Support Functions, these are items that are individual pieces of how an overall plan will work. Each of the Emergency Support Functions will have their own plans for how they will work. And they'll have addendums, and annexes, additions to those plans that say whose responsibility is what.

I think from the outside for folks who have not been working with emergency management agencies. It's our first thought is to look at it as one piece or as one system, but there are Emergency Support Functions for each individual piece that we're concerned about. And with that, there's an opportunity for the disability community to participate and provide input and insight. So ESFs are huge. They're like the pillars that hold up the whole emergency response apparatus. And with that, there are some that are going to have a bigger impact on people with disabilities that are public facing. And there are some that may not have very many impacts directly on the disability community.

So something like donated goods, the Emergency Support Function that just receives things that are donated. There may not be a huge impact on the disability community because they are going to receive the donated goods, no matter what. Where you might have more impacts are things like public information, where information is going out to the community to make sure that folks are ready. And we want to make sure that information is inclusive and accessible.

So the ESFs, they're very diverse. They include the individual pieces like law enforcement, or rescue, or donated goods, or transportation, or mass care often referred to as sheltering. There's a lot of individual Emergency Support Functions. And again, with each of those an opportunity for input to make the plans stronger.

Mary Morder: Well, as you've been mentioning, one of the very key components of any emergency plan is communication. And as we know, effective communication for people with disabilities is critical in an emergency. And it's also our right under the Americans with Disabilities Act.

Can you please tell us why accessible public information is an important part of emergency planning? It's also important in areas such as press conferences and digital communication resources.

Robbie Kopp: Absolutely. With the numbers that you shared at the open of this podcast. We have seen a lot of declared disasters in the United States over the last 15 years. Chances are listeners may have found themselves either in an area that was impacted by a disaster or have loved ones that were in an area impacted by a disaster. With that in mind, maybe think back to what communication you received just before the disaster hit, or just after. These communications for South Carolina most often it's that a hurricane is developing and is headed in our general direction.

Those communications give everyone an opportunity to make your last minute preparations to batten down the hatches, to make sure that your communication plans are set and that you know where you're going to go if you have to evacuate. All of those really important things are the difference between life and death in a lot of cases. If you're in a flood plain, and there is clear evidence that, that flood plain is going to be flooded during an event, and we have some warning. Having that warning instantly as quickly as it's available, can save your life.

And that's what makes the accessibility of these communications so vitally important is that if you get that communication, maybe it went out over a video and it wasn't captioned, and there was no ASL interpreter. If you need either that captioning or that

ASL interpreter, and you have to wait a few hours for the accessible version of that video to get posted. You are hours behind your neighbor and those hours can really change how effectively you can weather the storm.

I don't think the importance of effective communication can be understated with a disaster. It's the most important thing that will determine if you know what you need to know in order to adapt and to make your plans or to get out. If you have experienced that disaster recently, think about the information and how you received it. Every one of those outlets needs to be accessible. Not everyone is going to be sitting by a computer or a TV to watch the press conferences from the governor.

For the folks that can, that information needs to be equally effective and it needs to be accessible for folks in the same instant that it's released. For folks who get information other ways like online, whether that is through news stories or it's through public releases from an emergency management agency, those communications should be accessible as well. We all consume media. We all get information in a lot of different ways. We want the first way that touches us to work for every person that it touches.

Mary Morder: Thanks, Robbie. That was such an excellent explanation of why it's so important. And I couldn't agree with you more being a person who's hard of hearing myself. I miss sometimes those notices. Even the ones on my phone because I don't hear my phone beep and I don't keep it with me 24/7 like a lot of people do. I've missed emergency warnings and found them later. So I understand the importance of all of us being vigilant and demanding our rights and demanding that the communication be accessible for everyone. Thank you.

ADA Live listening audience if you have questions about this topic or any other ADA Live! topic, you can submit your questions online at adalive.org or call the Southeast ADA Center at +1 404-541-9001. Let's pause here for a word from our feature organization, Able South Carolina.

Voice-over Announcement: ABLE South Carolina is a center for independent living. An organization not about helping people with disabilities, but bill on the central concept of

South empowerment. We are a consumer-controlled, community-based, cross-disability, non-profit that provides an array of independent living services. We do everything it takes to empower people with disabilities to live active, self-determined lives, including advocacy, services, and support. More than half of our staff are persons with disabilities. As are over half of our board directors. We didn't just learn this, we live it. To learn more about Able South Carolina, visit www.able-sc.org.

Mary Morder: Welcome back everybody. We are talking with Robbie Kopp from Able South Carolina, about emergency preparedness for people with disabilities. Robbie, there are two important community services that we haven't talked about yet, transportation and mass care that are critical for people with disabilities during an emergency. What are some resources and tips that you can recommend for these two aspects of emergency planning for people disabilities?

Robbie Kopp: I really appreciate this question and I want to answer it in a few different ways for your audience. First is with transportation and mass care. If you are a person with a disability, or if you're not, what is your personal plan? How are you going to move from where you are to where you need to be? Whether that's a nearby shelter or if it's a shelter, an evacuation shelter outside of your county. How are you going to get there? What is your plan?

The second piece. What is your plan for sheltering? Do you have what you need to shelter in place? Do you know where you will go if you're not sheltering in place? I would tell you that all of the conversations that I'm part of just about every time, there's a reminder that emergency shelters are a shelter of last resort. So there is a hope that for individuals that need to leave their homes in a disaster, that there is somewhere that they can go, maybe a family member out of town, a loved one. Make sure that in your personal plan, you know where you would go and how that would work.

For folks who were on the planning side. It is hugely important that we're considering the disability community in these plans. And again, when it comes to state and county planning, the plans can be really different. Here in South Carolina, we'll start with

transportation, for transportation the state plan includes getting people from centralized pickup points, to a safe place outside of that community.

So if you think about that as the state plan, what's missing? And I would expect you to say, "Well, how am I going to get to that central pickup point?" And that is where the counties typically have responsibility. It's the expectation that the counties in their county plan would be able to transport folks locally from where they are to those central pickup points or to in-county shelters.

That is a really big deal. There are a lot of places that a lot of considerations that have to be made for that to work correctly. And locally, you may want to check in with your local emergency manager and say, "Hey, I live at X, Y, and Z address. If there is an evacuation of our entire community, who will come and get me? What does the plan say? What transportation services will be available?"

Second is, are those transportation services accessible? Are they going to meet my needs? Are they going to work for my entire family? And make sure that you know the answer to those questions. This is the important balance between personal preparedness and local services is we have to know what we will do, and we have to know what will be available for mass care. That is the lingo for shelter operations. If we are needing to shelter, what are the needs that I have? And will those needs be able to be met at a shelter?

Shelters are not the Ritz-Carlton, they're not fancy. We are not going to have room service or turn down service or anything like that. But we do want to make sure that the shelters can at least meet my basic needs. Am I going to be safe? Is there going to be food at appropriate intervals? Am I going to be able to get cleaned up if I'm there for a considerable amount of time? Are there accessible restroom facilities? Can I get all my needs met in the shelter?

For an important protection under the ADA there's really, there's great guidance from Department of Justice that is directed towards emergency managers. Any emergency manager listening to this, if you're not familiar with it already check it out. We'll make sure

it's included as a resource. But the resource guide lays out what are the expectations for general population shelters, the shelters for everyone.

And one of the expectations is that it will be accessible and that you can use the restrooms. Also that if you have medication that needs to be refrigerated, that, that can be taken care of at your shelter as well. If you need backup power because of your equipment, you should be able to get that in the general population shelter as well.

In addition to that, I've seen states use different terms for another type of shelter. In South Carolina, they're now referred to as medical need shelters run by a separate department. They provide more medical supports, not medical services, but supports for individuals who need them and in a different shelter. This is important to know because these medical need shelters aren't always opened in the same way that a general population shelter is. And there's usually a triage that makes sure this is the right shelter for you. And this is the nearest one that will meet your needs.

So if you think that the general population shelters aren't going to meet all your basic needs, and I would say most of the time, you should have a pretty high confidence that the general population shelters will. Then you have to know, how do I make contact with the triage line? How do I make sure that I'm getting connected with the shelter that will better meet my needs in advance? You don't want to be scrambling for...

With that there's a lot of considerations. There's considerations for individuals and making sure that the transportation can meet your needs. And that shelters will meet your needs in getting connected with the right resources. And there are also a lot of considerations for emergency planners. Emergency planners should be prepared to meet the needs of everyone in their local area. And truthfully, what we've seen is that folks with disabilities are more likely to rely on emergency response services than folks without disabilities. So it's not just, you may have someone with a disability, but you're going to have people with disabilities who need to access each of the emergency supports that opens as they open. So including them in every layer of that.

The next question, and I'm super excited to jump into it. I'll let you ask it still. But with these two pieces, especially there, the guidance has changed. It is 2020, and there is now a global pandemic and we're going to have to address some of those differences as well.

Mary Morder: We are wondering. Everybody is so consumed by this pandemic. It's affected every part of our lives over the last several months. And so it's going to, and it has affected emergency planning. Can you talk about that and how we move going forward in the area of COVID-19?

Robbie Kopp: Absolutely. Again, I'm going to split this among consumers and emergency planners. What I would tell you is in my experience, consumers have seemed less concerned about the underlying disasters because COVID-19 has taken so much attention and energy. And we're all still weathering COVID-19. With that in mind, we have to make sure that our personal plans have been adjusted and updated to include this additional health risk. If you're planning on relying on local transportation services, or you're planning on relying on shelter services, you may want to rethink that.

First of all, as any other year, these services or services of a last resort, so that part hasn't really changed. But now with COVID-19, each of these services using them, you may have some additional COVID-19 considerations with coming in contact with people that you wouldn't normally. Coming in contact with strangers and we can't always guarantee how safe those strangers have been and how isolated they've been.

So with that, it's really important. If you find that you're in a position, maybe you live along the coast. And we know that this hurricane season is forecast to be extremely active. Maybe it's time for us to do that harder work and have that conversation with a family member out of state. With a family member, there may still be some coronavirus considerations with transmission, but it's different than being in a mass care shelter, which may still be on the table and in some communities.

With that in mind, so on the emergency planning level, plans have been adjusted and are being updated to make sure that there are, we refer to them as non-congregate settings. These are places to shelter. Oftentimes looks like a hotel room, but allows our family unit

to stay separate from other family units as much as possible. These plans have been put into place. Communities are playing a little bit of wait and see, find out how many people are going to have to evacuate, and then start having more conversations with hotels to make sure that services are available.

With a preference towards non-congregate shelters. But when those non-congregate shelters are full and capacity is reached, then there is going to end up being more use of mass care shelters, where there may be more risk of coronavirus.

Mary Morder: And that's an important point to consider Robbie. And I know not all of us out there have thought about that, but we have to think about it, especially if we live in an area where disasters happen frequently, like you do. South Carolina, all along the coast is so vulnerable. We really have to think about those things. They're difficult questions, but we have to be prepared. Robbie, can you tell us what does an inclusive emergency preparedness plan look like and how can people with disabilities and our audience listening today get involved in plan development?

Robbie Kopp: This is a great question. And this question is hugely important because the representation of people with disabilities on a local level is it's really what the decision makers listen to. From outside, we can give all sorts of technical assistance and guidance and we can provide tools. And many jurisdictions will use that and we'll apply it. But until that there is a person in the room with a disability that is part of that local community saying, "Hey, what about me? How will this plan meet my needs?" And not just in a selfish way, of course, but as we address that person's needs, we're addressing other folks needs who may have a similar need for accessible transportation or for backup power at a shelter.

With that, the importance of that local representation and participation. These plans on your county level are being made all the time and being refined all the time. Now is a great time to get in touch with your emergency manager and maybe just start the conversation. "Hi, I know you're my emergency manager. I'm a local constituent, and I want to help. I want to get involved." And start the conversation that way. I think a lot of times professionals in any number of fields, they're pinged by outsiders and they don't

always know what those requests are, but when you can say, "Hi, I'm local, I live in X, Y, and Z neighborhood. I want to be a support and a resource to you." Folks are typically pretty responsive to that. So on the county level, I think it's that simple.

There usually are not a ton of solicitations, "Hey, come participate with us." Which may leave some room for stronger plans on a county level. But if you do make that first contact with your county emergency management office, I would expect that they'd be open to that conversation, especially when you come offering insight and input and support. For the state level, it's not quite as simple as calling your state emergency management division and saying, "Hey, I want to help." You can try that.

There are in most states, it's a best practice to have an advisory committee for all emergency services so that the disability community can provide some input and share some ideas. I'd encourage you to check out if your state has one. And then if not, you've got more to talk with your state folks with. There are a lot of other organizations that participate in emergency response as well, that I don't think you can overlook.

Your Centers for Independent Living may have varying levels of involvement with emergency preparedness. So that might be a good place just to ask the question and make sure that your centers, your cells locally are involved. Otherwise, there are nonprofits that are international or local that are involved in emergency preparedness. That are always looking for volunteers and input, and really the representation of the disability community is valuable everywhere.

Mary Morder: Thank you so much for giving us so much to think about and do, and be proactive. If the listeners out there feel the need to get involved, you certainly given us a roadmap for that. Two comments I want to make. One, is you've talked about emergency preparedness groups on the state and local level. I happen to be a member of the one here in Georgia, which is called the Georgia Emergency Preparedness Coalition for Individuals with Disabilities and Older Adults.

And like you said, I think all states in the Southeast have a similar group in them. And then other states do as well, many other states, California in particular, lots of other

states. Your local regional ADA Center can help you locate that. If that's what you're looking for. Secondly, I want to point out and remind everybody about, under Title two of the ADA State and local government agencies like these agencies, most of them are operated on the state or local level.

They do have an ongoing obligation to provide modifications to programs, practices, and procedures to include people with disabilities and to not be discriminatory. So just remember, keep that in mind when you're reaching out to those groups. I want to thank you. We're getting close to the end of the episode, Robbie. And I wanted to ask you what important tips and takeaways are there for people with disabilities and those that support them regarding emergency preparedness?

Robbie Kopp: Absolutely. I would say the biggest takeaway is, now is a great time to either make an individual preparedness plan or to review your individual preparedness plan. And make sure that you know what will happen when a disaster strikes in your area. Two, is when you feel confident with your plan, get involved and participate and make sure that our community plans, whether that's city, county, state, make sure that those plans are including people with disabilities. And provide equal access to all of the vitally important services that are provided in a disaster. From communication, to sheltering, to transportation, and more. Making sure that when you have what you need, other folks in your community have what they need too.

And it's important for us to make sure that we're increasing the access at every turn for every piece of emergency preparedness. Even though it's a service of last resort, they are services that are so vitally important that we have to make sure that they're fulfilling the obligations that have been set forth by the Americans with Disabilities Act.

I think the last takeaway is, in the recent celebration of 30 years of the Americans with Disabilities Act, for any professional that is continuing to skirt the requirements of the ADA, or is not aware of the requirements of the ADA. We're past time. It's really time that, take a moment now, today, to begin to address some of the, what may be a shortcoming in your plan. And making sure that folks with disabilities are included. After 30 years, this is for many a whole lifetime, a whole lifetime that our communities may have been at risk

of a disaster. And we've known better because of the ADA. There's no more time for excuses. It's time to be inclusive, now.

Mary Morder: Thanks so much Robbie for being our guest today. And thank you, ADA Live! listeners for joining us for today's episode. We are grateful to our guest Robbie Kopp, the Director of Advocacy and Community Access for Able South Carolina, for sharing his time and valuable insights on emergency preparedness for people with disabilities.

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Check out the ADA anniversary toolkit adaanniversary.org. The toolkit is a product of the Southeast ADA Center and the ADA National Network. It features logos, social media posts, monthly themes, and other resources to keep the celebration going. Also, on a social media platform of your choosing, use [#ThanksToTheADA](https://twitter.com/ThanksToTheADA) to share what the ADA means to you. A moment in your life when you were thankful for the ADA, share with [#ThanksToTheADA](https://twitter.com/ThanksToTheADA).

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4 Wheel City: (rapping)

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