

Emergency Authority & Immunity Toolkit

Current Issues and Updates

Summer 2011

Current Issues and Updates provides periodic updates on new and evolving issues related to the topics covered in the *ASTHO Emergency Authority and Immunity Toolkit*.

New Presidential Policy Directive Replaces HSPD-8

On March 30, 2011, President Obama issued Presidential Policy Directive-8 (PPD-8) on national preparedness, which replaces the prior Homeland Security Policy Directive 8 (HSPD-8, “National Preparedness”). The new national preparedness directive retains an all-hazards, risk-based approach to national preparedness, while establishing four categories of hazards for attention: terrorism, catastrophic natural disasters, cyber attacks, and pandemics. HSPD-8 was originally issued in 2003 and was followed by Annex 1 to HSPD-8 in 2007. HSPD-8 was issued as a companion directive to HSPD-5 (“Management of Domestic Incidents”) to establish policies strengthening U.S. preparedness to prevent and respond to domestic terrorist attacks, major disasters, and other emergencies.

Presidential directives are orders by the president that are issued under the president’s constitutional or other statutory powers. Presidential directives explain how executive branch agencies implement presidential authority. There are different directive types, such as executive orders and policy directives. The naming and usage of various directive types can change from administration to administration. Homeland Security Presidential Directives were created during the Bush administration in 2001 and are presidential directives that pertain to homeland security issues. The Obama administration uses Presidential Policy Directives for homeland security issues. Like executive orders, presidential directives remain in effect upon a change in administration, unless otherwise specified in the document or until subsequent presidential action is taken.

PPD-8 replaces HSPD-8 and HSPD-8 Annex 1, with the exception of paragraph 44 in Annex 1. PPD-8 requires the secretary of Homeland Security to develop and submit a National Preparedness Goal that considers the risk of specific threats and vulnerabilities—taking into account regional variations—and includes measurable and prioritized objectives to mitigate risk. The National Preparedness Goal will also define core capabilities in five areas necessary to prepare for specific incidents that pose the greatest security risk to the nation: prevention, protection, mitigation, response, and recovery. The National Preparedness Goal should also reflect the policy direction outlined in the National Security Strategy.

PPD-8 further calls for the establishment of a National Preparedness System to help guide domestic efforts at all levels of government and in all sectors to build and sustain the capabilities outlined in the National Preparedness Goal. PPD-8 emphasizes an “all-of-nation” preparedness approach that relies on the integration of effort and resources of “[f]ederal, state, local, tribal and territorial governments, the private and nonprofit sectors, and the public.”

PPD-8 and other HSPDs are available through the Department of Homeland Security’s website at www.dhs.gov/xlibrary/assets/presidential-policy-directive-8-national-preparedness.pdf.

The text of a White House fact sheet about PPD-8 is available through the Public Health Law Network’s website at www.networkforphl.org/network_resources/archived_external_resources/new_presidential_policy_directive_on_national_preparedness/.

For more information about presidential directives, see the ASTHO fact sheet [Federal Emergency Directives and Systems](#).

The National Security Strategy document is available on the White House website at www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

The National Health Security Strategy document is available on the HHS Office of the Assistant Secretary for Preparedness and Response website at www.phe.gov/preparedness/planning/authority/nhss/Pages/default.aspx.

This document was compiled from June-August 2011 and reflects the laws and programs current then. It reflects only portions of the laws relevant to public health emergencies and is not intended to be exhaustive of all relevant legal authority. This resource is for informational purposes only and is not intended as a substitute for professional legal or other advice. The document was funded by CDC Award No. 1U38HM000454 to the Association of State and Territorial Health Officials; Subcontractor PI Elliott, Logan Circle Policy Group LLC