

FEMA Publishes Documents to Preserve Scarce Medical Supplies

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WASHINGTON – FEMA recently published a Temporary Final Rule and supplemental notice in the Federal Register to support President Trump’s “[Memorandum on Allocating Certain Scarce or Threatened Health and Medical Resources to Domestic Use](#)” issued on April 3.

The intent of the President’s Memorandum and the FEMA Administrator’s allocation order are to preserve scarce personal protective equipment for domestic use in the response to the COVID-19 emergency. FEMA is working closely with U.S. Customs and Border Protection (CBP) to implement the allocation order on exports through the [Temporary Final Rule](#) published on April 10. The Personal Protective Equipment subject to this allocation order includes: N95 respirators, and a variety of other filtering respirators; air-purifying respirators; surgical masks; and, surgical gloves. More specific details about each of these categories is listed in the Temporary Final Rule.

FEMA published a [Notification of Exemptions](#) in the Federal Register to supplement the rule. In most situations, exporters are required to submit shipment data into the CBP’s Automated Export System to declare their international exports. When reviewing this data, CBP will determine if products are covered under the allocation order and whether the products fall under an exemption. If no exemptions apply, CBP will notify FEMA for a determination on the shipment.

FEMA will determine if a shipment bound for export is in the national defense interest to remain in the United States to support the COVID-19 response. If this is the case, FEMA may purchase part or all of the shipment using a rated order under Title 1 or return part or all of the shipment for domestic distribution. If a shipment is detained, FEMA and CBP will provide a response to the owner of the shipment within 72 hours.



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For a list of specific exemptions, refer to the [supplemental notice](#) published on April 21 or a fact sheet [online](#).

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