

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 11 of the Commission’s Rules)	PS Docket No. 15-94
Regarding the Emergency Alert System)	
)	
Wireless Emergency Alerts)	PS Docket No. 15-91

COMMENTS

- Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)**
- American Association of the DeafBlind (AADB)**
- Association of Late-Deafened Adults (ALDA)**
- California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH)**
- Cerebral Palsy and Deaf Organization (CPADO)**
- Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD)**
- Deaf Seniors of America (DSA)**
- Hearing Loss Association of America (HLAA)**
- National Association of the Deaf (NAD)**
- National Association of State Agencies of the Deaf and Hard of Hearing (NASADHH)**
- National Cued Speech Association (NCSA)**
- Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC)**
- Registry of Interpreters for the Deaf (RID)**
- Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (DHH-RERC)**
- Rehabilitation Engineering Research Center on Universal Interface & Information Technology Access (IT-RERC)**

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), American Association of the DeafBlind (“AADB”), Association of Late-Deafened Adults (“ALDA”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), Cerebral Palsy and Deaf Organization (“CPADO”), Conference of Educational Administrators of Schools and Programs for the Deaf (“CEASD”), Deaf Seniors of America (“DSA”), Hearing Loss Association of America (“HLAA”), National Association of the Deaf (“NAD”), National Association of State Administrators of the Deaf and Hard of Hearing (“NASADHH”), National

Cued Speech Association (“NCSA”), Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (“NVRC”), Registry of Interpreters for the Deaf (“RID”), Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (“DHH-RERC”), and Rehabilitation Engineering Research Center on Universal Interface & Information Technology Access (“IT-RERC”) (collectively, “Commenters”) submit these comments in response to the Federal Communications Commission’s (the “Commission”) Notice of Proposed Rulemaking seeking comments on its implementation of Section 9201 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.¹

The Commenters commend the Commission’s efforts to ensure that the Wireless Emergency Alert System (“WEA”) and Emergency Alert System (“EAS”) provide timely and accurate alerts to consumers. The Commenters support the Commission’s actions in this proceeding and provide these comments to recommend steps the Commission can take to ensure that the WEA and EAS are accessible to all Americans, including consumers with disabilities.

I. National Alerts Should Include a Link to a Website with Information.

The Commenters fully support the Commission’s proposal to rename WEA’s “Presidential Alert” class of alert messages to “National Alert” and to include alerts from the Administrator of the Federal Emergency Management Agency (“FEMA”) within the National Alert category.² The Commenters also support requiring all participating Commercial Mobile Service (“CMS”) providers’ wireless systems to distribute National Alerts as a non-optional alert to wireless customers that can currently receive Presidential Alerts.³

¹ *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System; Wireless Emergency Alerts*, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 21-36 (rel. Mar. 19, 2021) (“NPRM”).

² See NPRM, ¶ 12.

³ *Id.*

The Commenters appreciate FEMA’s efforts to reach the deaf and hard-of-hearing communities during disasters. As part of its outreach efforts,⁴ FEMA deploys Certified Deaf Interpreters to locations of disasters, engages local sign language interpreters, and provides emergency information to deaf and hard-of-hearing communities in American Sign Language (“ASL”). FEMA has also provided interpreting services to the Kilauea Disaster Recovery Center in Hawaii,⁵ and published key findings and considerations for jurisdictions and communities regarding the COVID-19 pandemic to ensure that people with disabilities have equal access to COVID-19 information.⁶

Although these efforts by FEMA are commendable, the harsh reality is that individuals who are deaf or hard of hearing are too often left out of the emergency alerting process.⁷ This community typically must rely on multiple sources to piece together complete information about the status of a disaster, sheltering and evacuation instructions, service outages and restoration, etc. Emergency and disaster information that is inaccessible, incomplete, delayed or inaccurate puts the safety of deaf and hard of hearing individuals at risk. During times of disasters, the deaf and hard of hearing community faces significant problems receiving complete and timely communications warning of emergencies and providing important public safety service updates.

⁴ See e.g., FEMA, Deaf Community Outreach, <https://www.fema.gov/press-release/20210318/deaf-community-outreach> (last accessed Apr. 20, 2021).

⁵ See ASL/CDI Team Describes Work, Importance of Equal Access to Hawaii DRC Staff, FEMA (July 26, 2018), <https://www.fema.gov/press-release/20210318/aslcdi-team-describes-work-importance-equal-access-hawaii-drc-staff>.

⁶ See Accessibility of COVID-19 Information-Sharing and Public Communications for People with Disabilities, FEMA (July 17, 2020), <https://www.fema.gov/case-study/accessibility-covid-19-information-sharing-and-public-communications-people-disabilities> (outlining recommendations for accessibility of COVID-19 information including that videos include ASL, Puerto Rican Sign Language, captioning, voice-over, or audio descriptions).

⁷ See Comments of Telecommunications for the Deaf and Hard of Hearing, Inc. et. al., PS Docket No. 11-60, at 4-6 (filed Apr. 29, 2019) (detailing experiences of deaf and hard of hearing individuals with wireless networks and emergency and disaster information during hurricanes in 2017 and 2018, as well as other disaster and emergency incidents).

In the event of a disaster many, but not all, members of this community rely on captioned local television news and weather, either in real time or electronic newsroom reporting format, as well as captioned information transmitted during other television shows when there is breaking news. Local television, however, is only one source of information. Many members of the deaf and hard of hearing community also depend on WEAs on their mobile devices such as Android, iPhone, tablets, iPads, etc. as a reliable source of emergency alerts. However, according to preliminary research performed by TDI, approximately 45% of deaf and hard of hearing individuals are unaware of WEAs. Moreover, 69% are unsure of whether they have WEA capability on their smart phones. Accordingly, the Commenters support designating National Alerts as a non-optional category of alerts.

As the NPRM rightly notes, “WEA messages must be accessible to individuals with disabilities.”⁸ To ensure that alerts in the National Alert category are accessible for consumers with disabilities, and to avoid excluding individuals who are deaf or hard of hearing from receipt of timely and complete WEAs, the Commenters urge the Commission to require that all National Alerts (including Presidential and FEMA alerts) include a link to a website where individuals can access more information about the subject alert. Such information should be made available (at a minimum) in ASL and other languages. The medium should be accessible such as having any video be captioned to ensure that deaf and hard-of-hearing consumers, and speakers of other languages, are able to access and understand the content of these critically important alerts.

⁸ See NPRM, ¶ 5.

II. State Emergency Communications Committees Should Consult with Representatives from the Deaf and Hard of Hearing Community.

The Commenters support the Commission’s proposal to ensure that the chief executive of each state establish a State Emergency Communications Committee (“SECC”) and, if the state already has an SECC, to review the composition and governance of the SECC.⁹ The Commenters also support requiring a certification that the SECC met at least once per year prior to submitting their State EAS Plans to review and update their plans.¹⁰ The Commenters urge the Commission to require that SECCs consult with their State agency for the deaf and hard of hearing, or representatives from the deaf and hard of hearing community to ensure that needs of individuals with hearing and speech disabilities are considered as SECCs develop and update their State EAS Plans.

Although Section 11.21(a) of the Commission’s rules requires that the Plans include information on actions taken by EAS Participants to ensure timely access to EAS alert content by non-English speaking populations, the rules do not require that individuals with disabilities be included as participants in the development of State EAS Plans. Only deaf or hard of hearing individuals and their representatives truly understand the challenges they face in receiving timely, accurate and accessible emergency alerts. It therefore makes sense that this community be an active participant in the development and implementation of State EAS Plans. Providing a seat at the table to this community will go a long way toward resolving outstanding accessibility issues and ensuring that the needs of individuals with disabilities are addressed as SECCs make changes to the way emergency alerts are provided in the future. Most states should be able to coordinate with their State Commissions of the Deaf and Hard of Hearing to ensure that the emergency alert needs

⁹ See NPRM, ¶ 23.

¹⁰ See NPRM, ¶ 25.

of this community are considered. Moreover, there are Independent Living Councils in every state that are good resources for people with various communication disabilities affecting speech and cognition.¹¹ These Councils have access to subject matter experts in the areas of inclusive planning for emergencies, and SECCs should be required to leverage their expertise in developing effective State EAS Plans. Section 11.21 of the rules should be revised to require engagement with the deaf and hard of hearing communities in the creation and annual updating of State EAS Plans.

III. State EAS Plans Should Ensure Communications Accessibility for Consumers with Disabilities.

The Commenters support the Commission creating a further checklist, to be available on the Commission’s website, that identifies information required in State EAS Plans.¹² Although the Commenters recognize that Section 11.21 of the Commission’s rules already includes a list of mandatory information for such Plans,¹³ the Commission should expand the checklist to include specific actions taken and methods used to ensure that State EAS Plans account for communication accessibility and to ensure that disabled populations are not overlooked.¹⁴

Although Section 11.21 of the rules provides that State EAS Plans “include information on actions taken by EAS Participants, in coordination with state and local governments, to ensure timely access to EAS alert content by non-English speaking populations”,¹⁵ it is not clear that the deaf and hard of hearing communities would be considered “non-English speaking” populations as that term is used here. Nor does the current list of specific elements that must be included in

¹¹ For example, CIEP is a program of the Washington State Independent Living Council and is a part of the SECC-WA and the EAS-WA listservs. See Washington State Independent Living Council, Coalition on Inclusive Emergency Planning, available at: <https://www.wasilc.org/coalition-on-inclusive-emergency-planning>.

¹² See NPRM, ¶ 34.

¹³ See 47 C.F.R. § 11.21(a).

¹⁴ See NPRM, ¶ 34 (asking if there is “other information that should be included as part of the checklist”).

¹⁵ 47 C.F.R. § 11.21(a).

State EAS Plans address communications accessibility measures.¹⁶ As explained above, the deaf and hard of hearing community faces unique challenges in receiving timely, accurate and accessible emergency alerts during times of disaster. Requiring SECCs to address communications accessibility in their State EAS Plans will increase awareness of the emergency alert issues facing communities with disabilities and will ensure that SECCs have an affirmative responsibility to address those challenges, ensuring that State EAS are accessible to all Americans.

In addition to requiring EAS alert content be provided in ASL, EAS alert content should be provided in plain language. Simple messages are needed to elicit appropriate responses from individuals affected by the disaster. Simple messages are particularly important not only for persons with limited English proficiency but also persons with developmental disabilities, autism, audio processing disorders, and other disabilities for which it is critical that communications are provided in plain and easy-to-understand language.

IV. Making Emergency Alerts Accessible for Consumers with Disabilities

According to TDI's research, approximately 4% of the deaf and hard of hearing population do not have wireless devices and therefore lack access to WEAs. Reaching this segment of the community through other means is equally important to ensure that State EAS are available and accessible to all Americans. The Commenters remain concerned that some emergency alerts remain less accessible to the deaf and hard of hearing community and urge the Commission to adopt further requirements for EAS participants to ensure EAS accessibility on television and radio. State EAS also should consider (and the Commission should encourage) providing direct calling alerts to relay numbers, known e-mail addresses, etc.

¹⁶ See 47 C.F.R. § 11.21(a)(1)-(7).

The Commenters urge the Commission to require EAS provided through the television to include an experienced (*i.e.*, qualified) disaster / emergency response ASL interpreter visible in the alert. In addition, some in-car digital radios can display information identifying the radio station (*e.g.*, station call signs), the name of the artist and song playing, and/or program name, it makes sense to require that radios broadcasting EAS provide short digital message that can be read on digital radio screens. Because deaf or hard of hearing individuals will not be able to hear the radio EAS alert, ensuring that digital radios (which the Commenters understand are standard in many modern vehicles) convey the emergency alert message will ensure that radio EAS is accessible and understandable for all Americans. Moreover, the Commenters note that newer vehicles are being offered with Wi-Fi and cellular service capabilities. As that technology is further deployed, the Commenters recommend that WEAs be provided in a way that the car is able to receive (and consumers are able to view) the information through in-vehicle information screens and displays.

Finally, the Internet is an increasingly important means of communications for all Americans. The Commenters encourage the Commission, industry and States to leverage the Internet to offer advanced alerting capabilities. The Commission should also ensure that emergency alerts can reach and be displayed on electronic traffic billboards as well as electronic signage at train and airport terminals.

V. Conclusion

The Commenters appreciate the opportunity to submit comments in this important proceeding. We look forward to continuing our work with the Commission to ensure that emergency alerts are accessible for consumers with disabilities.

Respectfully submitted,

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