

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)

Review of the Emergency Alert System)

EB Docket No. 04-296

**COMMENTS OF THE NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission's *Further Notice of Proposed Rulemaking* (FNPR) in this proceeding.¹ The FNPR inquires what actions the Commission should pursue to expedite the development of a more comprehensive Emergency Alert System (EAS).

NPSTC believes that the EAS must be enhanced at the state, county and local level for it to be a dependable resource in emergency circumstances. These challenges have been documented in the Commission's proceedings and advisory committees. While matters encompassing the convergence of technologies, system architectures, common protocols and expansion to other distribution formats present challenges to enhancing EAS, NPSTC believes the greatest need is EAS' lack of operational effectiveness at the local level. NPSTC urges the Commission to establish a formal undertaking with the Department of Homeland Security to pursue a pervasive effort so

¹ In the Matter of the Review of the Emergency Alert System, *First Report and Order and Further Notice of Proposed Rulemaking*, FCC 05-191, EB Docket 04-296 (November 10, 2005).

EAS can become a meaningful resource at the local level.

The National Public Safety Communications Council

NPSTC serves as a resource and advocate for public safety organizations in the United States on matters relating to public safety communications. NPSTC is a federation of public safety associations dedicated to encourage and facilitate through a collective voice the implementation of the Public Safety Wireless Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policies involving public safety agencies, analyzes the ramifications of particular issues, and submits comments to governmental bodies with the objective of furthering public safety communications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications. The following thirteen organizations participate in NPSTC:

American Association of State Highway and Transportation Officials

American Radio Relay League

American Red Cross

Association of Public-Safety Communications Officials-International

Forestry Conservation Communications Association

International Association of Chiefs of Police

International Association of Emergency Managers

International Association of Fire Chiefs

International Association of Fish and Wildlife Agencies

International Municipal Signal Association

National Association of State Emergency Medical Services Officials

National Association of State Telecommunications Directors

National Association of State Foresters

Several federal agencies are liaison members of NPSTC. These include the Department of Agriculture, Department of Homeland Security (SAFECOM Program and the Federal Emergency Management Agency), Department of Commerce (National Telecommunications and Information Administration), Department of the Interior and the Department of Justice (National Institute of Justice, Communications Technology (CommTech)).

The Need to Improve EAS Operations at the State and Local Level

The FNPRM presents several issues relating to the technical challenges facing EAS in the digital era. These include whether the current system architecture, which embodies a hierarchy of links that transmit information, should remain the means to deliver a message. Suggestions include moving to a structure where information is transmitted via satellite and/or the Internet that can be accessed by all media outlets. How information is transmitted inevitably presents questions of common protocols and proprietary access. Whether EAS should be extended to wireless technologies also is presented as is whether participation by industry in state and local emergencies should remain voluntary. These are significant challenges that must be resolved as a means of enabling the dissemination of information. Yet, even if all these issues are resolved, the current EAS system is not capable of providing timely and discrete information to localized sectors of the public and first responders so that reasoned decisions can be made in preparing and responding to an emergency.

The FNPR recognizes what NPSTC believes to be the core challenge to EAS. It relates how the tragedies of the Gulf Coast storms demonstrate the devastating impact that natural disasters have on the health and safety of many people in a particular state or region and the crucial role state and local governments have in delivering alerts and warnings. The FNPR noted the vital connection between state and local alerts and warnings and federal efforts to mitigate disasters.² NPSTC believes that the fundamental challenge is federal, state and local governments working together to make EAS a vital resource in emergency circumstances.

The reality is that current local warning systems are inadequate in scope and effectiveness. In addition to failing to alert significant segments of the community, they also often alert people who do not need to be warned or protected. These twin failures undermine confidence in the message and the messenger. In other cases, alerting systems ignore what is known about human behavior and do not provide sufficient information to confirm the urgency, severity or probability of an event so that people can make reasonable decisions regarding recommendations made by local officials. Furthermore, the majority of current systems do not provide for the special needs of those who do not speak English or are disabled.³

NPSTC believes that EAS must focus on providing warning information at the local level to emergency responders and private individuals. Whether of national or local character, an incident's effect is overwhelmingly on a local population and the responsibility to prepare and respond to that incident is placed on local police, fire and

² FNPR at para 73.

³ Statement of Chief Robert DiPoli, City of Needham, Massachusetts Fire Department and President, International Association of Fire Chiefs (IAFC), on behalf of the IAFC, the National Sheriffs' Association, the International Association of Chiefs of Police and the Association of Public-Safety Communications Officials-International before the Media Security and Reliability Council (2004)

emergency services. This deficit in the pervasive availability of information imposes additional burdens on local response agencies, deters protective action strategies and undermines the fundamental objective to dispatch the right resources in the most expeditious way. The framework to meet this challenge lies in the Commission working with the Department of Homeland Security, the National Weather Service, other federal agencies, industry, and most significantly, state and local governments, to establish a structure whereby EAS is a dependable mode of communication that is able to deliver information to discrete populations and ultimately relied upon in emergency circumstances. Improving EAS should be a specific objective in the National Incident Management System of the Department of Homeland Security.

Industry, particularly radio and television broadcasters and cable operators, have demonstrated a commendable historic commitment of investment in infrastructure and personnel to promote EAS. In the post September 11, 2001 environment, other media interests have demonstrated a similar commitment. With this expertise and commitment, the Commission's Media Security and Reliability Council (MSRC) undertook an exhaustive examination of EAS in the context of local emergencies.⁴ The International Association of Chiefs of Police, the International Association of Fire Chiefs and the National Association of State EMS Directors who are MSRC members also are NPSTC voting members as is the Department of Homeland Security. MSRC concluded that the Nation's best option for rapidly establishing a national warning system today is to uniformly implement and effectively use the current EAS system throughout the country.

MSRC recognized that the Commission, the Federal Emergency Management

⁴ Media Security and Reliability Council, Public Communications Safety Working Group, *Final Report* (February 18, 2004) (MSRC Final Report), See also Media Security and Reliability Council, Public Communications Safety Working Group, *Interim Report* (May 16, 2003) at 12-13.

Agency (FEMA) and the National Weather Service (NWS) have shared responsibility for EAS and its predecessor the Emergency Broadcast System (EBS). It comprehended that EAS is operated primarily by volunteers from broadcast and cable companies with active involvement of the Society of Broadcast Engineers and the Society of Cable and Television Engineers. MSRC noted that the National Advisory Committee to the Chairman of the FCC (NAC) has played an important coordination role, but its charter was not renewed in 2002. MSRC examined this history to envision a way for EAS' important objectives to be relevant in the post September 11, 2001 environment where it is critical to bring preparation and response to all incidents, large and small. It documented the challenges well.⁵

MSRC's findings indicate that the fundamental flaw with EAS is that no single agency leads EAS' implementation at the state and local level.⁶ Additionally, there is no federal entity championing EAS' cause or coordinating its operation with other federal agencies dealing with emergencies. Although the EAS design seemingly expects each state and major municipality to join in the system, no entity is responsible to see that every state even adopts an EAS plan for disseminating emergency information. Some states have never adopted a plan and the plans in place in many states are makeshift at best. Only a small number of cities have adopted local EAS plans.⁷

MSRC recommended that a single federal entity should be responsible for assuring that⁸:

- public communications capabilities and procedures exist, are effective, and are deployed for distribution of risk communication and warnings to the

⁵ MSRC Final Report at 16.

⁶ MSRC Final Report at 16-17.

⁷ MSRC Final Report at 17.

⁸ MSRC Final Report at 7

public by appropriate federal, state and local government personnel, agencies and authorities.

- lead responsibilities and actions under various circumstances are established at Federal, State and Local levels within the overall discipline of emergency management
- a national, uniform, all-hazard risk communication warning process is implemented from a public and private consensus on what best meets the needs of the public, including people of diverse language and/or with disabilities, including sensory disabilities.

MSRC stated that this strategy should be integrated within the overall scope of the President's Homeland Security Directive HSPD-5. HSPD-5 establishes the Secretary of Homeland Security as the Federal official for coordinating Federal operations in the United States to prepare for, respond to and recover from terrorist attacks and major disasters / emergencies.⁹

NPSTC recommends that the Commission pursue with the Department of Homeland Security implementation of MSRC's recommendations. Until this is done, EAS cannot emerge as an integral element of emergency preparedness and response that can be relied upon by citizens and federal, state and local agencies. Failing to build EAS as a tangible resource to communities across the nation will betray its objective to be the means of providing timely and critical information in an emergency.

EAS Should be an Objective of the National Incident Management System

NPSTC recommends that the Commission and Department of Homeland Security pursue these improvements of EAS by establishing a formal structure that integrates it as an objective under the President's Directive's addressing Homeland Security.¹⁰ The

⁹ MSRC Final Report at 7.

¹⁰ Presidential Directive Homeland Security (HSPD 5) February 28, 2003, Presidential Directive Homeland Security (HSPD 8), December 17, 2003.

principles and performance guidelines of the Department of Homeland Security's National Incident Management System, which implement these Directives, includes provisions for emergency public communications. Enumerating EAS as a specific objective will reflect its priority in emergency response and instill it as an element of preparedness. An integrated, multi-media system delivering more effective messages to the public whenever and wherever needed promotes appropriate action and citizen reaction in an emergency. A more effective alert and warning system will reduce the exposure of first responders and the public to unnecessary hazard.

Secretary Chertoff has noted how critical it is to approach incident management in a coordinated, consistent, and efficient manner. Operations must be seamless and based on common incident management doctrine because the challenges faced as a nation are far greater than the capabilities of any one jurisdiction. The National Incident Management System was issued by the Department of Homeland Security to provide a comprehensive and consistent national approach to all-hazard incident management at all jurisdictional levels and across functional disciplines.¹¹ EAS stands out as a challenge that the National Incident Management System can confront and improve.

Successful implementation of a local EAS depends on the commitment, active participation and integration of all state and community-based organizations, including public, non-governmental, and private organizations that may have a role in preventing, preparing for, responding to, or recovering from an incident. It also depends on the historic commitment of the media industry. Additionally, new entrants, such as satellite-based services like SIRIUS and XM-radio, must be integrated into the EAS. Finally,

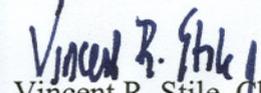
¹¹ Letter of Secretary Chertoff to Nation's Governors (October 4, 2005).

providing an EAS that can be relied upon by local government requires support from Congress through the appropriations process. Making EAS part of the National Incident Management System will link it to the National Response Plan (NRP), the Homeland Security Presidential Directives and the National Infrastructure Protection Plan (NIPP).

Conclusion

The most fundamental challenge facing EAS is its availability to local communities as a dependable means to provide information to the public and to police, fire and emergency services. NPSTC urges the Commission to confront the enormous gap between EAS' objective and reality by formalizing a concerted effort with the Department of Homeland Security to make it a resource that can be depended on.

Respectfully submitted,



Vincent R. Stile, Chair
NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS
COUNCIL

68 Inverness Lane East, Suite 204
Englewood, Colorado 80112
866-807-4755

January 23, 2006