



July 3, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Comments to Refresh Record on EB Docket 04-296, In Matter of the Petition Filed by the Minority Media and Telecommunications Council Proposing Changes to Emergency Alert System (EAS) Rules to Support Multilingual EAS and Emergency Information

Dear Ms. Dortch,

On behalf Asian Americans Advancing Justice | AAJC, we submit the following comments in support of MMTC's proposal to EAS rules to institutionalize multilingual emergency alert access.

Advancing Justice | AAJC is dedicated to promoting a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and other underserved communities. We provide the growing Asian American community with multilingual resources, culturally appropriate community education, and public policy and civil rights advocacy. In the communications field, Advancing Justice | AAJC works to promote universal access and reduce barriers to critical technology, services, and the media.

Access to Emergency Alerts is Not Just a Spanish-Language Issue

Advancing Justice | AAJC is concerned that the discussion on this critical issue has basically been an English-Spanish conversation. Asian Americans are the fastest racial group in the United States and one of the most linguistically diverse. Simply concentrating on Spanish emergency alert system (EAS) alerts or the number of markets with Spanish-language stations ignores significant limited English proficient (LEP) Asian American populations who do not receive in-language warnings about emergencies. Federal, state, and local authorities responsible for multilingual EAS alerts must use census data and other appropriate demographic surveys and conduct community outreach to assess the languages commonly spoken in any given community. With this knowledge, authorities at all levels can begin to ensure that language minority communities receive timely and accessible EAS alerts.

Language access is a particularly important issue for the Asian American community given roughly one-third are LEP.¹ For example, Vietnamese, Bangladeshi, Cambodian, Hmong, Taiwanese, Chinese, Korean, and Laotian communities all have LEP rates over 40%.² One in five Asian American households also live in linguistically isolated households, meaning all household members 14 years old and up speak English less than “very well.”³ In an emergency situation, linguistically isolated households would not be able to take advantage of English-only emergency alerts.

Linguistic isolation coupled with lack of multilingual emergency alert system (EAS) infrastructure led to disaster for Asian American communities in New Orleans when Hurricane Katrina hit in 2005. Ignored by emergency authorities, tens of thousands of Asian Americans were forced to seek initial information and relief in their own ethnic communities. There was a lack of culturally and linguistically competent government and relief agency workers, and immigrant and LEP populations were not fully incorporated into disaster preparedness education efforts and emergency response plans. It is essential that we learn from the mistakes made in the response to Hurricane Katrina and ensure that having limited English abilities does not mean an individual or community receives less effective emergency assistance before, during, or after the fact.

Primary Responsibility for Issuing Multilingual EAS Alerts Should Lie With Message Originators

We agree with other commenters that it is the primary responsibility of message originators to make every effort to provide EAS alerts in multiple languages. Indeed, Executive Order 13166 requires federal agencies to provide meaningful access to services to those with limited English proficiency.⁴ For example, emergency authorities could develop pretranslated alerts of common warnings that stations and other news outlets could access. This in turn behooves station owners to understand the demographics of the communities they serve, including language needs.

Multiple languages at the point of origin are also critical because in many markets—large, small, and rural—there are LEP Asian Americans with no broadcast station that serves them news and information in their native language.⁵ In the long term, we urge the Commission to work with the Federal Emergency Management Agency (FEMA) and other federal, state, and local authorities to encourage and facilitate the transition to an EAS CAP-based transmission system with multilingual alert capabilities.⁶ It has been nearly nine years since Hurricane Katrina and it is time for the Commission to act.

¹ Asian Pacific American Legal Ctr. & Asian American Justice Ctr., *A Community of Contrasts: Asian Americans in the United States 2011* 27 (2011).

² *Id.* at 28.

³ *Id.* at 29.

⁴ 65 Fed. Reg. 50,121 (Aug. 16, 2000). *See also* Executive Order No. 13407, Public Alert and Warning System, Sec. 2(a)(iv), 71 Fed. Reg. 36975 (June 28, 2006) (requiring IPAWS to alert and warn “all Americans, including . . . those without an understanding of the English language”); NAB Comments, EB Docket No. 04-296 (filed May 28, 2014).

⁵ We understand that MMTC is compiling data that comprehensively compare multilingual communities to stations that serve those communities and will be submitting the data shortly.

⁶ NCTA Comments, EB Docket No. 04-296 (filed May 28, 2014).



MMTC's Proposal Encourages Broadcasters and Emergency Authorities to Coordinate Multilingual EAS Access and Will Save Lives

Although we agree that EAS originators are primarily responsible for multilingual EAS alerts, the status quo clearly is not working for all Americans. We are supportive of MMTC's goal for broadcasters and authorities to develop plans to ensure that all Americans have a greater chance of receiving lifesaving information. We urge the Commission to promote station emergency preparedness plans but that it do so in a realistic way that takes into account different operating situations stations are in and various resources available to them. For example, most Asian American-owned TV stations are Class A and low power TV stations with limited budgets and personnel. Ensuring coordination among broadcasters and authorities would be a significant step the Commission could take to ensure all Americans receive lifesaving information regardless of the language they speak.

Creation of such plans would formalize many existing voluntary arrangements between broadcasters and authorities, ensure preparedness among broadcasters who have not yet been struck by natural disasters or other emergencies, and create accountability. We also support a "designated hitter" model but again note that this would have limited benefit to LEP Asian Americans due to a lack of in-language broadcast stations in the vast array of Asian languages.

While we agree with MMTC's revised⁷ suggestion for a threshold that a significant non-English speaking population exists when more than 5% of the market's population or 10,000 of voting aged citizens are LEP members of a single language minority⁸, we note that this threshold is based on the Voting Rights Act whose thresholds are based solely on voting aged citizens. However, this excludes minors, undocumented persons, and foreign-born residents who are not eligible to vote, such as legal permanent residents and high skilled non-immigrant workers. Any such threshold should include all persons in a market, not just voting aged citizens. We have attached our infographic which shows Section 203 jurisdictions that include Asian languages to show which markets would be affected by such a similar language threshold. Note that even using Section 203's threshold requirements excludes many Asian Americans in large urban areas as illustrated in our example below.

It is our experience that machine translation is generally not an effective translation tool for Asian languages. We recommend skilled translators and interpreters whenever possible.

⁷ As originally indicated by MMTC, covered languages would include those spoken by 5% of the market's population or 50,000 people in the market, whichever is less. Comments of the Minority Media and Telecommunications Council, Federal Communications Commission, EB Docket No. 04-296 4 n. 13 (filed May 28, 2014).

⁸ *Id.* (citing Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a (b)(2)(A) (2006)).



Example: Asian and Korean Americans in Atlanta, GA

The following is analysis of the Asian and Korean American populations in the Atlanta, GA region and how the in-language needs of these communities are not being met.

According to the U.S. Census, the Asian American community in the Atlanta, GA region grew 88% from 2000 to 2010 and now makes up 5% of Atlanta, whose population is 5,268,860.⁹ The Atlanta Asian American community is composed of 20 Asian ethnic groups and the ten largest ethnic groups are listed below.¹⁰

Ethnic Group	Number	LEP Rate for Population ≥ 5 years old	Approximate LEP Population
Indian	86,042	19%	16,348
Korean	48,788	47%	22,930
Chinese (except Taiwanese)	41,002	39%	15,991
Vietnamese	39,320	55%	21,626
Filipino	16,203	10%	1,620
Japanese	9,772	30%	2,932
Pakistani	9,685	21%	2,034
Laotian	5,106	39%	1,991
Cambodian	4,977	41%	2,041
Thai	3,377	Not available	--

Based on these small population sizes, only four Asian ethnic groups would qualify as a significant non-English speaking population and thousands of other LEP Asian Americans would not be covered under this threshold and do not have broadcast stations that broadcast in their language.

Korean Americans are the only Asian group in the Atlanta region with broadcast stations that serve their community. There is one class A TV station (WKTG-CD) and one AM radio station (WPBS) that broadcast in Korean. WKTG-CD has a multicast channel with a Korean-language local newscast at 9PM Monday to Friday but only airs EAS alerts in English, which it obtains from the primary entry point (PEP) station. WPBS is a Korean language Class D AM radio station and only operates during the day. So, for example, during the recent ice storms that severely impacted the Atlanta region, LEP Korean Americans at least received warnings from WKTG's evening newscast and warnings on the radio during the day. Although WKTG is working on disseminating its information on Facebook and other mobile platforms, the Korean American population may be without in-language emergency alerts if these stations are knocked out, weather patterns suddenly change or emergencies arise at odd hours when these stations are not operating, or the power goes out and limits internet and wireless communications.

⁹ U.S. Census Bureau, 2010 Census SF1, Tables P5 and P6; U.S. Census Bureau, 2000 Census SF1, Tables P8 and P9.

¹⁰ U.S. Census Bureau, 2010 Census SF1, PCT7 and PCT10 (ethnic groups); U.S. Census Bureau, 2006-2010 American Community Survey 5-Year estimates, Table B16004 (LEP rates).



Thank you for your attention to this important topic. Please contact Advancing Justice | AAJC Senior Staff Attorney, Jason T. Lagria, at jlagria@advancingjustice-aajc.org or 202-296-2300 ext. 122 if the Commission needs further information or would like to discuss this issue further.

Best regards,

/s Jason T. Lagria

Attachment



THE MANY VOICES OF OUR DEMOCRACY



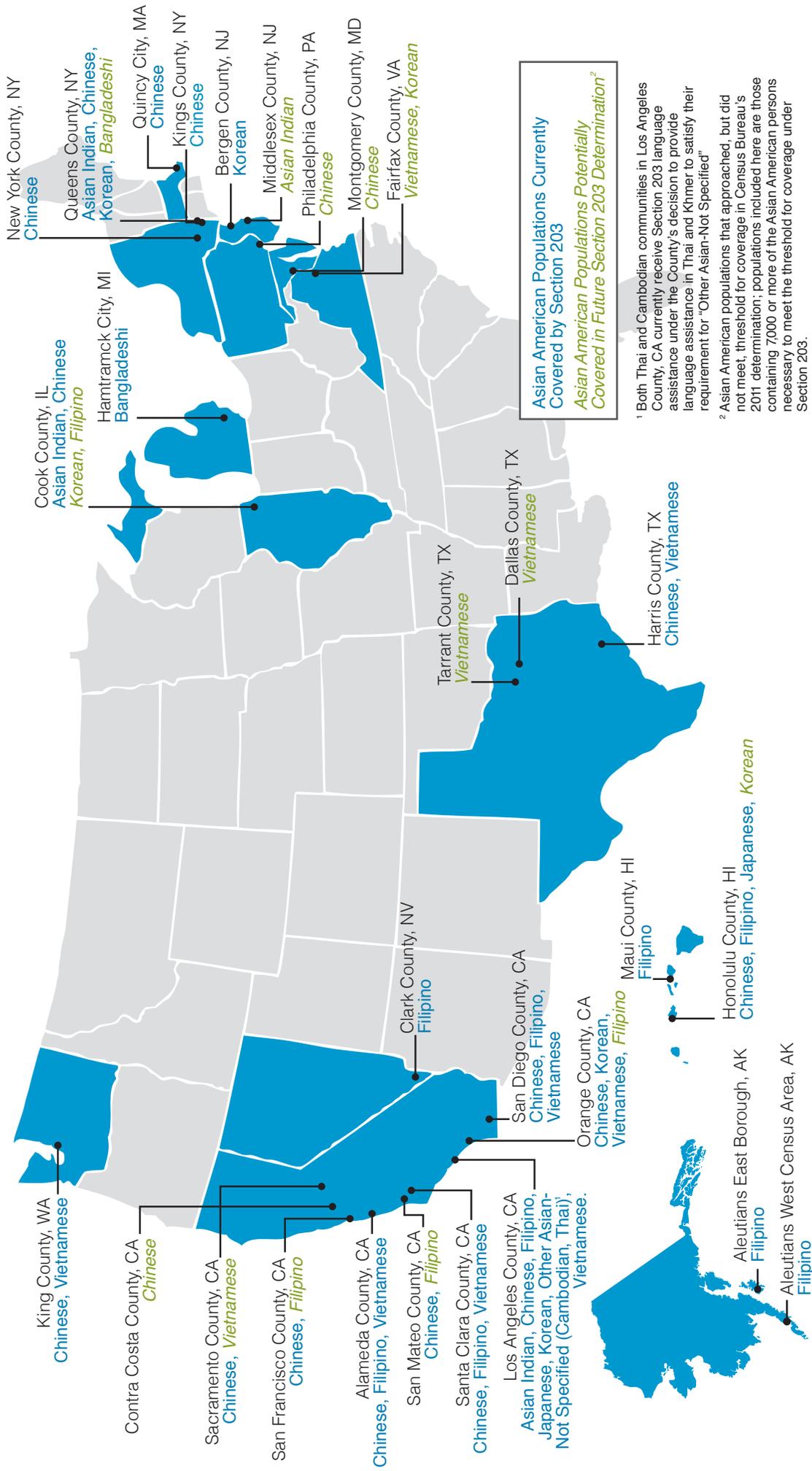
This infographic is from *Voices of Democracy: Asian Americans and Language Access During the 2012 Elections*, available at www.advancingjustice.org.

Section 203 Map

Map indicates current and potential future covered jurisdictions and ethnic groups for Asian languages.

What is Section 203 of the Voting Rights Act?

Section 203 requires certain jurisdictions to provide language assistance to voters such as translated materials, multilingual workers at polling sites and publicity of the availability of these resources. *Jurisdictions are determined every 5 years based on population size, English abilities and literacy rates in that area.*



Asian American Populations Currently Covered by Section 203
Asian American Populations Potentially Covered in Future Section 203 Determination²

¹ Both Thai and Cambodian communities in Los Angeles County, CA currently receive Section 203 language assistance under the County's decision to provide language assistance in Thai and Khmer to satisfy their requirement for "Other Asian-Not Specified"

² Asian American populations that approached, but did not meet, threshold for coverage in Census Bureau's 2011 determination; populations included here are those containing 7,000 or more of the Asian American persons necessary to meet the threshold for coverage under Section 203.

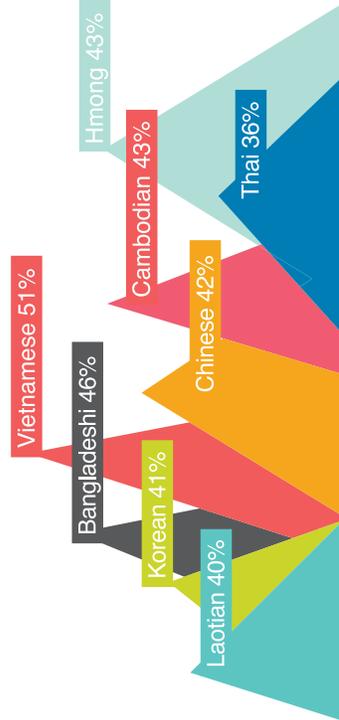
ASIAN AMERICANS AND THE NEED FOR LANGUAGE ASSISTANCE

LEP = Limited-English Proficient (i.e., speaks English less than very well)

Asian Americans at a Glance³



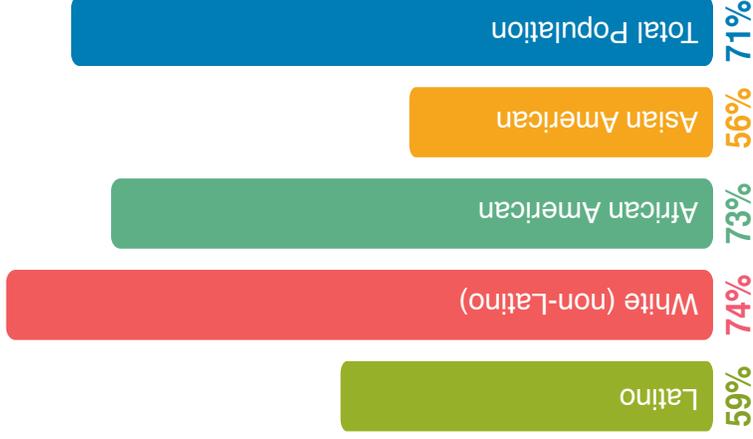
LEP rates vary among Asian ethnic groups. For example,



Coming Up Against the Language Barrier⁴

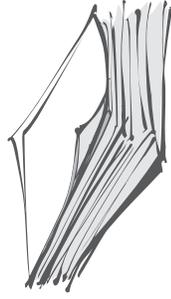
The language barrier contributes to lower voter registration and turnout among Asian American citizens – Asian Americans fall behind their white and other racial counterparts:

Percent of Citizen Voting-age Population that has Registered to Vote



Common Problems Asian Americans Experienced at the Polls⁵

45% of precincts were missing translated materials or poorly displayed them



³ Source: United States Census Bureau

⁴ Source: United States Census Bureau

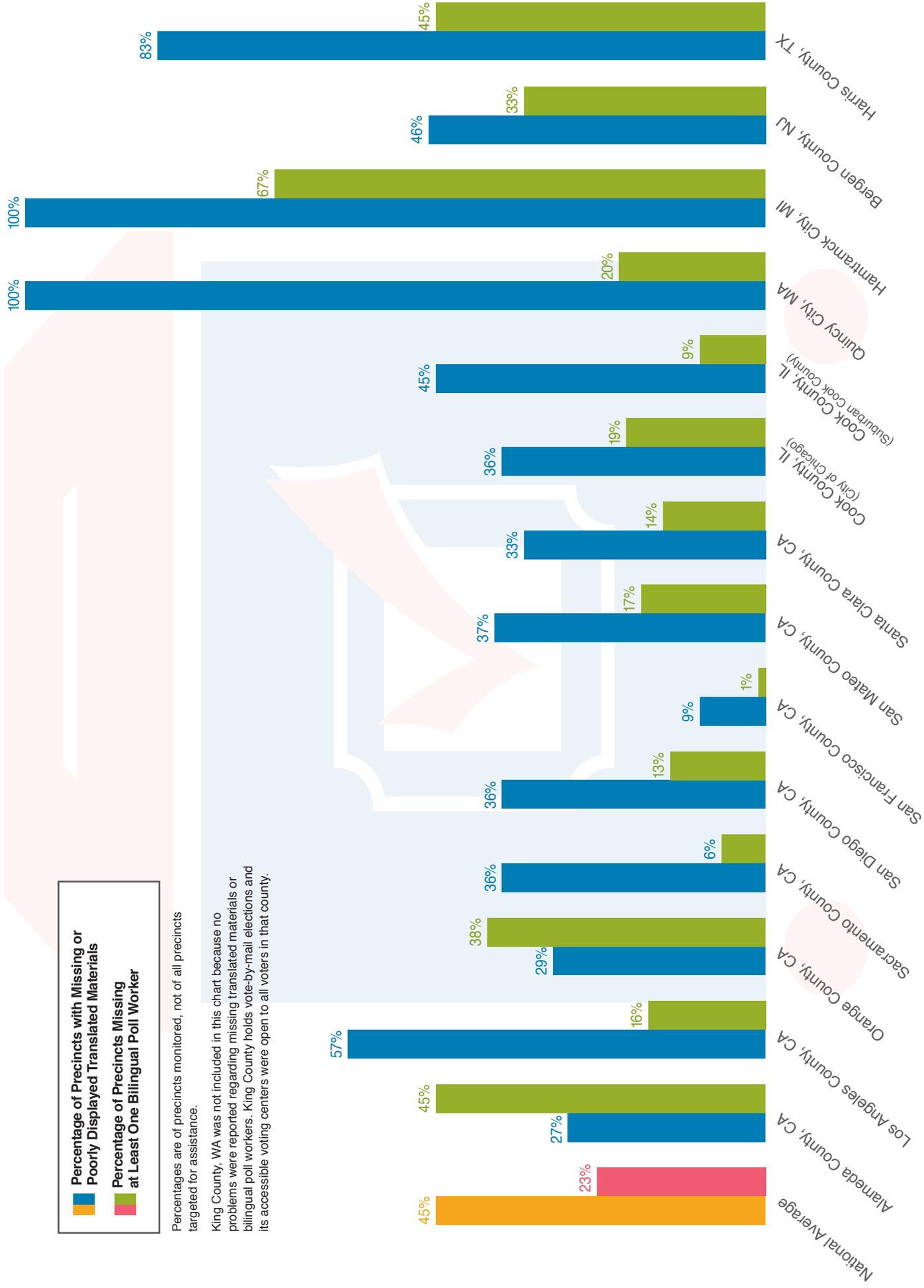
⁵ Percentages are of precincts monitored, not of all precincts targeted for assistance.

Continued Problems: How Precincts Measure Regarding Language Assistance (By Jurisdictions Monitored)



Percentages are of precincts monitored, not of all precincts targeted for assistance.

King County, WA was not included in this chart because no problems were reported regarding missing translated materials or bilingual poll workers. King County holds vote-by-mail elections and its accessible voting centers were open to all voters in that county.



Complying with Section 203



Poll Workers Should

- Actively approach voters who may need assistance
- Understand the needs of LEP voters and how to interact with them in a culturally sensitive manner
- Display translated signage and voting materials
- Wear identification to let voters know that they speak various languages
- Know the rights of all voters

Election Officials Should

- Ensure that bilingual poll workers are present
- Conduct publicity through outreach and education
- Train all poll workers on how to serve LEP voters in an effective and respectful manner
- Have accurate translations of voting materials



Upholding Section 203

San Diego County, CA – In 2004, DOJ sued the county to mandate compliance

Result: Voter registration rose **by more than 20%** for Filipino Americans **and by almost 40%** for Vietnamese Americans

MORE THAN 20% INCREASE FOR FILIPINO AMERICANS



ALMOST A 40% INCREASE FOR VIETNAMESE AMERICANS

Examples of Best Practices

- ✓ Translate website and online forms into covered languages (e.g., King County, WA in Chinese and Vietnamese)
- ✓ Provide language assistance forms online and post “We Speak” signs in various languages to assist LEP voters (e.g., Los Angeles County, CA)

Call to Action!

Asian Americans’ voices deserve to be heard at the polls!

What you can do in your community:



Meet with your elections officials about their Section 203 implementation plans



Participate in advisory committees that oversee language access



Educate voters in your community about their rights



Identify and work with local, mainstream and ethnic media



Help recruit bilingual poll workers and volunteer at your poll to provide bilingual assistance



Conduct trainings for poll monitors on language assistance



Work with community organizations in your area to monitor polls and report issues



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For more information, please visit:
www.advancingjustice.org