

Written Statement
of

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“Ensuring Effective and Reliable Alerts and Warnings”

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Subcommittee on Emergency Preparedness, Response and Communications
Committee on Homeland Security
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Good morning, Chairman Donovan, Ranking Member Payne, and Members of the Subcommittee. Thank you for the opportunity to appear before you to discuss our nation's emergency alerting systems.

As I recently testified before the U.S. Senate Committee on Commerce, Science, and Transportation, the false alert issued on January 13th by the State of Hawaii, in which recipients were warned of an imminent ballistic missile attack, was absolutely unacceptable. It resulted in widespread panic, and the extended period it took to correct the error – nearly 40 minutes – compounded the problem. Looking beyond the immediate consequences of the mistake, which were serious in and of themselves, this cry of “wolf” damaged the credibility of alert messaging, which can be dangerous when a real emergency occurs.

The Commission acted swiftly in the wake of this incident to open an investigation into the matter. That investigation is ongoing, however, the Public Safety and Homeland Security Bureau last week presented a preliminary report to the Commissioners at the FCC's January 30th Open Meeting, the presentation materials for which are attached to this written statement. Based on our investigation thus far, the Bureau finds that a combination of human error and inadequate safeguards contributed to this false alert.

While the mistake was realized very quickly, it took 38 minutes for a correction to be issued through the alerting system.

The Hawaii Emergency Management Agency has advised us that it is working with its vendor to integrate additional technical safeguards into its alert origination software, and has changed its protocols to require two individuals to sign off on the transmission of tests and live alerts to ensure that a similar incident does not happen again.

The Commission is also looking into the recent tsunami alerts issued following the 7.9 magnitude earthquake in the Gulf of Alaska on January 23rd to better understand how the Wireless Emergency Alert system performed. We are aware that questions have arisen about who received the alerts and who didn't, both with respect to carriers' participation in WEA and with respect to the geographic distribution of the alert, and we will seek answers.

Moving forward, the Commission will focus on what steps need to be taken to prevent an incident like the one in Hawaii from happening again, and will issue a final report at the conclusion of our investigation. Once issued, we will work with FEMA to engage in stakeholder outreach, and encourage the use of best practices. It will also be incumbent upon Federal, state and local officials to work together to prevent such a false alert from happening again. We also must ensure that corrections are issued immediately after a false alert goes out in order to minimize panic and confusion.

Emergency alerting systems provide timely and life-saving information to the public, and stakeholders must come together to take all necessary measures to bolster and restore the public's confidence in these systems.

The incidents in Hawaii and Alaska are very present in our minds. But I would be remiss in not discussing the benefits of and success stories behind wireless emergency alerts. In this respect, I would like to describe the FCC's efforts to support Wireless Emergency Alerts, commonly known as “WEA,” since the system was deployed in April 2012.

To provide you with the scope of its impact, in the last 5 years, WEA has been used to issue over 35,000 emergency alerts. The National Weather Service alone has sent well over 33,000 WEA alerts. For example, we understand that local California officials used WEA four times in response to the 2017 wildfires in Northern California, and sixteen times for the Los Angeles area wildfires. Representatives from the California Governor's Office of Emergency Services and officials in Marin and Mendocino Counties reported successful use of WEA to move citizens in their jurisdictions to safety. WEA was also used extensively in all areas affected by the 2017 hurricanes, including 21 WEA alerts sent in Puerto Rico alone.

WEA also helps to recover missing children. In 2016 alone, 179 AMBER Alerts were issued in the U.S. involving 231 children. Since the system was deployed in 2012, WEA has been credited with the safe return of 47 missing children.

The Commission places the highest priority on ensuring that emergency management authorities and first responders have the most up-to-date alerting tools available to them. Since WEA was first deployed in 2012, the Commission has taken significant steps to enhance federal, state, and local alert and warning capabilities to leverage advancements in technology.

In September 2016, the Commission adopted rules to enable wireless alerts to contain more content by increasing message length from 90 to 360 characters and by supporting embedded phone numbers and URLs. It also took action to enable support for alerts written in Spanish and make it easier for state and local authorities to test WEA, train personnel, and raise public awareness about the service.

The Commission also recognized that it is critical for emergency managers to be able to geographically target alerts to only those phones located in areas affected by an emergency. When the WEA program launched in 2012, participating wireless providers were generally required to send the alerts to a geographic area no larger than the county or counties affected by the emergency situation. As of last November, all participating wireless providers are now required to transmit alerts to a geographic area that best approximates the area affected by the emergency situation, even if it is smaller than a county.

But the Commission did not stop there. Last Tuesday, the Commission voted to require participating wireless providers to target alerts to the impacted area with an overreach of no more than one tenth of a mile by November 30, 2019. The Commission's recent action also requires that alert messages remain available in a consumer-accessible format on wireless devices for 24 hours after receipt, or until the consumer chooses to delete the message, which will enable the public to better review emergency information. The Commission also adopted enhanced consumer notification requirements at point of sale, to ensure consumers understand the benefits of enhanced geo-targeting and the extent to which the wireless provider offers enhanced geo-targeting on its network and devices.

Public safety officials support the Commission's recent action. For example, Francisco Sanchez, Deputy Emergency Management Coordinator at the Harris County, Texas, Office of Homeland Security & Emergency Management stated that the rule changes "set a much needed course to keep the nation's Wireless Emergency Alerts system a trusted life-saving tool for the public safety community, and is the single greatest improvement in years to the country's alerts

and warnings infrastructure,” and that it “will empower local public safety officials with the tools necessary to keep WEA relevant and their communities safer.”¹

By matching alerts to phones actually located within the affected area, the Commission’s action will assist emergency response efforts and instill confidence in the public’s reliance on WEA. Because people will be receiving alerts that are relevant to them, they will be less likely to opt out of the program and more likely to take the alerts they receive seriously. We are also currently considering how to provide emergency managers with the ability to transmit alerts in languages in addition to English and Spanish, alerts that can contain pictures, and alerts that could provide the public with the ability to reply.

While WEA is a powerful alert and warning tool, it is also important to note that it is only one among several tools available to emergency managers to alert and warn their communities.

For example, the Emergency Alert System, or EAS, is the traditional system used to provide alerts and warnings to the public over broadcast, cable and satellite systems, and remains a vital tool for emergency managers, state and local authorities. The Commission has been working to modernize the EAS to ensure that it remains a relied upon and useful tool. For example, just this past December the Commission adopted a new “blue alert” code for both EAS and WEA that will allow alert originators to provide targeted information to the public regarding threats to law enforcement and to help apprehend dangerous suspects. In November, the Chairman also circulated an item for the Commission’s consideration that would modernize and streamline the filing process for EAS state plans. In addition, last November the FCC authorized the rollout of Next Generation TV, also known as ATSC 3.0, on a voluntary, market-driven basis. Next Gen TV offers a new and improved method to provide consumers with vital information during emergencies. For example, it will enable advanced emergency alerting that could wake up sleeping devices to warn consumers of imminent emergencies. It will also allow for localized, emergency alerts in a variety of languages, and enhanced datacasting to serve law enforcement and first responders more efficiently.

Over the past several years, the FCC has also worked closely with FEMA to conduct nationwide tests of the EAS to assess its reliability and effectiveness. The FCC has also successfully deployed the EAS Electronic Reporting System, or ETRS, a user-friendly database that allows the over 25,000 EAS participants to report test results in close to real time. The most recent test was conducted on September 27, 2017, and our initial analysis of the ETRS results shows improvements in most areas. For example, results indicate more than 95 percent of participants received the test alerts, and nearly 92 percent successfully retransmitted the alert—both up from the previous year. Further, more than twice as many EAS Participants retransmitted the Spanish language version of the alert than was the case in 2016. In all, we are encouraged by the results and will continue to strive to find ways to enhance the EAS as well.

In closing, we look forward to partnering with emergency management professionals from your jurisdictions on the alerting capabilities that they need to use EAS and WEA with confidence during crises when every second counts.

Thank you for your consideration, and I look forward to any questions you may have.

¹ FCC Approves Life-Saving Enhancements to Wireless Emergency Alerts, Public Safety Officials Applaud Step Forward, Press Release (Jan. 30, 2018), at <http://www.readyharris.org/News-Information/Ready-Harris-News/Post/30743?platform=hootsuite>.