



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

October 26, 2022

Via E-Mail

Jessica Rosenworcel, Chairperson
Brad Barry, Senior Advisor to the Chairperson for Diversity, Equity and Inclusion
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Meredith Attwell Baker, President & CEO
CTIA (The Wireless Association)
1400 16th St NW #600
Washington, DC 20036

Re: Wireless Emergency Alerts – Expanding Language Access

Dear Chairperson Rosenworcel, Brad Barry, and Meredith Attwell Baker:

I write to urge the Federal Communications Commission (FCC) and the U.S. wireless industry to promptly expand the languages that wireless carriers must support for Wireless Emergency Alerts (WEAs). As both the federal government and the wireless industry recognize, WEAs issued by the National Weather Service and the Federal Emergency Management Agency, and state and local emergency agencies, have saved countless lives during severe weather events and other emergencies.¹ I am deeply concerned, however, that the wireless industry has not yet developed the capability to support WEAs in languages other than English and Spanish. Indeed, the FCC has recognized that WEAs are “critical” outreach tools that “should be accessible to all.”²

In the absence of that capability, immigrant communities across the country—including an estimated 1.3 million New Yorkers who have limited English proficiency and are not Spanish speakers³—are left without critical information to protect themselves in response to severe weather and other emergency situations. In New York City, nearly all the victims who lost their lives from Hurricane Ida’s floodwaters last year were immigrants from Asia.⁴ Census data indicates that between 26% and 78% of households in the communities where these people perished speak languages other than English or Spanish at home.⁵

The National Weather Service has recognized that its mission to protect life and property “cannot be fully realized if significant numbers of the population in one or more regions cannot use the warnings and forecasts because of a language barrier.”⁶ Mary Erickson, who served as Acting Director, recently told my office that her agency wants its alerts to “reach a place of multilingual dissemination” but that “the FCC would need to establish new rules for use of multiple languages” beyond English and Spanish.⁷ Here in New York, the State and New York City each issue text message alerts warning residents of dangerous weather conditions, and New York City’s alerts (Notify NYC) are available in 13 languages in addition to English.⁸ However, cell phone users receive New York City’s and the State’s alerts only if they are aware these systems exist and sign up for them, which limits the effectiveness of these systems for reaching immigrant communities with limited English proficiency.

In 2016, the FCC published a rule requiring participating wireless providers to support Spanish-language WEAs by the end of 2019.⁹ At the time, the FCC encouraged these providers to standardize network functionality for alerts in additional languages and observed that other countries already use multilingual alerts.¹⁰ The FCC noted that the “overwhelming majority” of emergency management agencies support expanding the language capabilities for WEAs.¹¹

Even though severe weather events increasingly put life and property at risk in New York and elsewhere, the wireless industry has not expanded its language capability for WEAs in the nearly six years since the FCC called on it to do so. I therefore urge the FCC to take prompt action requiring the industry to develop the capability to support WEAs in languages whose speakers, according to census data, have higher rates of limited English proficiency.¹² Within no more than a year, the FCC should propose regulations that set a reasonable compliance window for the wireless companies to support WEAs in those languages. As I understand, a working group of wireless industry experts and emergency response agency representatives, as part of the Communications Security, Reliability, and Interoperability Council VIII, is developing recommendations to the FCC for enhancing WEAs¹³ and may be helpful to the FCC in developing these regulations if the FCC expands the group’s mandate to include that task.

Expanding language access for WEAs will save lives and further the goal of the FCC’s Equity Action Plan, issued in April, to provide reliable and equitable access to critical information people need “to make decisions about their lives, their communities, and their country.”¹⁴ My office stands ready to support the FCC and its partners and stakeholders in this critical work.

Chairperson Rosenworcel, Brad Barry, and Meredith Attwell Baker

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Sincerely,



Letitia James

New York State Attorney General

cc: Kenneth Graham, Director, National Weather Service
Mary Erickson, Deputy Director, National Weather Service
Deanne Criswell, FEMA Administrator
U.S. Senator Charles Schumer
U.S. Senator Kirsten Gillibrand
Governor of the State of New York, Kathy Hochul
Mayor of New York City, Eric Adams

¹ <https://www.weather.gov/news/062422-wea-10yr>; <https://www.ctia.org/wireless-emergency-alerts>

² FCC, *Emergency Alerts: A Critical Multilingual Outreach Tool*, Apr. 8, 2021, <https://www.fcc.gov/news-events/notes/2021/04/08/emergency-alerts-critical-multilingual-outreach-tool>

³ <https://ogs.ny.gov/new-york-state-language-access-law>; <https://ogs.ny.gov/system/files/documents/2022/09/dhses-lap-2022.pdf>.

⁴ Kimmy Yam and Sakshi Venkatraman, NBC News, Oct. 18, 2021, *Ida's Forgotten Victims: Nearly All Storm's Basement Deaths Were Asian Residents, Obscured by Climate Injustice* (last viewed Oct. 20, 2022); Stephanie Lai, Vera Haller, Samira Sadeque and Marc Fisher, Washington Post, Sept. 4, 2021, *Life and Death Underground, N.Y. Immigrants Perish in Flooded Basements* (last viewed Oct. 20, 2022).

⁵ Katie Honan, The City, Sept. 3, 2021, *Mayor's Map Showed Most of Ida's Victims Lived Where Rainfall Was Riskiest* (last viewed Oct. 20, 2022); U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table S1601. Language Spoken at Home. <https://data.census.gov/cedsci/table?q=language> (accessed Oct. 20, 2022).

⁶ *Service Assessment: Hurricane Irene, August 21–30, 2011* (September 2012), pp. 73-74.

⁷ March 31, 2022 Letter from Acting Director of the National Weather Service to New York Attorney General Letitia James (on file with my office), pages 1, 2.

⁸ https://www1.nyc.gov/site/em/about/press-releases/20220304_pr-nycem-notify-nyc-surpasses-1-million-subscribers.page

⁹ Federal Communications Commission, *Wireless Emergency Alerts; Amendments to Rules Regarding the Emergency Alert System*, 81 Fed. Reg. 75,710, 75,720 (Nov. 1, 2016) (Final Rule).

¹⁰ *Id.* (emphasis added).

¹¹ *Id.*

¹² New York State Division of Homeland Security and Emergency Services, <https://ogs.ny.gov/system/files/documents/2022/09/dhSES-lap-2022.pdf> (listing top languages spoken by Limited English Proficient individuals in New York State); FCC Report and Order and Further Notice of Proposed Rulemaking, Sept. 29, 2016, page 85); https://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0929/FCC-16-127A1.pdf (including Chinese, Korean, Vietnamese, Russian, and French Creole).

¹³ CSRIC VIII Working Groups (Updated September 2022), <https://www.fcc.gov/file/23814/download>.

¹⁴ <https://www.fcc.gov/document/federal-communications-commission-equity-action-plan>