



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 9, 2018

TESTIMONY TO THE HOUSE COMMITTEE ON COMMERCE PROTECTION AND COMMERCE

House Bill 2675 - Relating to Emergency Management

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 2675 to require each local television station to make emergency information that is provided in the audio portion of its video programming accessible to persons with hearing disabilities by using a method of closed or open captioning.

The importance of this bill is underscored by the events of the false missile alert on January 13, 2018. There were no captioned or interpreted announcements on television to inform the deaf and hard of hearing community that the alert was a false alarm, nor were there any captioned or interpreted press conferences, interviews, or explanations after the false alarm. Persons with hearing disabilities are entitled to receive the same timely information from the media.

While we support the intent of the bill, we would like to offer technical comments regarding the wording of the bill. It should be noted that captioning of video programming does not automatically make the information equally accessible to all persons with hearing disabilities. Additional requirements, such as live American Sign Language (ASL) interpretation, will increase the number of individuals that are afforded effective communication during emergency broadcasts. This is important to note because a significant number of individuals with a hearing disability graduate high school without the reading proficiency needed to effectively understand written emergency announcements.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

FRANCINE WAI
Executive Director

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 2675
A BILL RELATING TO PUBLIC SAFETY

BY

MOSES KAOIWI
Interim Administrator, Hawaii Emergency Management Agency (HI-EMA)

Before the House Committee on
CONSUMER PROTECTION AND COMMERCE

Chair Takumi, Vice Chair Ichiyama, and the Members of the Committee:

HB 2675 would require each local television station to make emergency information that is provided in the audio portion of its video programming accessible to persons with hearing disabilities by using a method of closed or open captioning. The Hawaii Emergency Management Agency (HI-EMA) fully supports this part of the bill.

However, HB 2675 also tasks HI-EMA with monitoring and enforcing the captioning requirement by issuing a warning and assessing a fine if the requirement is not met by a television station. The HI-EMA *opposes* this part of HB 2675.

With respect, HI-EMA does not have the resources to monitor and enforce complaints as specified above nor collect and receive fines. The primary focus for HI-EMA and county emergency management agencies before, during and after a disaster is to provide emergency resources and support to county and jurisdiction requests for assistance. This additional responsibility will detract from that primary purpose.

Thank you for the opportunity to comment on House Bill 2675.

Moses Kaiwi; moses.kaoiwi@hawaii.gov; 808-733-4300

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

HIROKAZU TOIYA
DEPUTY DIRECTOR

February 6, 2018

The Honorable Roy M. Takumi, Chair
The Honorable Linda Ichiyama, Vice-Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Takumi, Vice-Chair Ichiyama, and members of the Committee:

SUBJECT: Comments for House Bill 2675 Relating to Emergency Management

I am Melvin N. Kaku, director of the Department of Emergency Management (DEM), City and County of Honolulu (City). H.B. 2675 requires each local television station to make emergency information that is provided in the audio portion of its video programming accessible to persons with hearing disabilities by using a method of closed or open captioning.

While DEM agrees with the intent of the bill we feel that the Hawaii Emergency Management Agency (HI-EMA) may not be the best governing body to monitor compliance nor issue notices of violation or assess fines as addressed in the bill.

During an emergency activation for a major disaster it may prove difficult to assign HI-EMA to constantly monitor Emergency Alert System (EAS) broadcasts issued by local television and cable stations.

DEM feels that this duty and the intent of H.B. 2675 would be better served by the State agency other than Hawaii Emergency Management Agency, who are the governing body responsible for issuing administrative rules and guidelines for the utilization of communication access services for our disabled community. In this regard, we cannot support H.B. 2675.

Thank you for the opportunity to provide testimony on this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melvin N. Kaku", is written over a printed name and title.

Melvin N. Kaku
Director

HB-2675

Submitted on: 2/7/2018 10:50:06 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

Strong support!!!

HB-2675

Submitted on: 2/8/2018 12:48:03 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

The Hawaii Disability Rights Center strongly supports H.B. 2675 requiring each local television station to make emergency information that is provided in the audio portion of programming accessible to deaf and hard of hearing persons using closed or open captioning. It is essential that Hawaii's deaf and hard of hearing residents receive emergency information at the same time as our residents who have access to the audio information. In the recent false missile alarm, deaf and hard of hearing individuals were left confused because the press conferences and announcements were not accessible through open or closed captions. Open and closed captions are a necessity for emergency information.

HB-2675

Submitted on: 2/8/2018 1:58:09 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:



TESTIMONY OF CHRIS LEONARD

PRESIDENT – HAWAI'I ASSOCIATION OF BROADCASTERS

COMMENTS REGARDING HB 2675

RELATING TO EMERGENCY MANAGEMENT

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

FEBRUARY 9, 2018

Good afternoon Chairman Takumui, Vice Chair Ichiyama and members of the committee. For the record, my name is Chris Leonard and I am the President of the Hawaii Association of Broadcasters. The Association represents over 75 Television & Radio stations that serve local communities across the State of Hawai'i. I am providing these comments regarding HB 2675 on behalf of our Association.

Local broadcasters across the State of Hawaii have a duty to serve the public interest with emergency information, news, public affairs programming and entertainment. The Hawaii Association of Broadcasters is in agreement with you that timely communication of emergency messaging is of utmost importance to our Hawai'i residents and visitors. Furthermore, we are in agreement that it is imperative that the State Emergency Management Plan and State Emergency Alert Plan (EAS) require accessibility of programming providing emergency information as required by 47 CFR §79.2.

The intent of HB 2675 is currently addressed by federal regulation (47 CFR §79.2). This section requires "...video programming distributors must make emergency information, as defined in paragraph (a) of this section, that is provided in the audio portion of the programming accessible to persons with hearing disabilities by using a method of closed captioning or by using a method of visual presentation as described in §79.1..."

We would strongly recommend that you strike the portion of the bill that would duplicate and be preempted by 47 CFR §79.2 and rather focus on the rewrite of the State EAS Plan and revisions to the State of Hawai'i Emergency Operation Plan (Basic Plan dated May 2017) to make sure that the plans are compliant with Federal law and ensure that there are provisions in the plan to address the hearing and visually impaired communities. The State EAS Plan controls the use of the EAS system by state and county official and defines the operational procedures for its' use. The plan is currently being addressed by the State Emergency Communications Committee (SECC) which is comprised of Emergency Management officials, broadcasters and other private industry stakeholders. The final revised plan must be reviewed and approved by the Federal Communications Commission (FCC).

We ask you to consider language similar to the following to best achieve the goals of HB 2675:

The State EAS Plan and State Emergency Management plans shall be revised to be compliant with all Federal Communications Commission (FCC), Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) requirements for emergency alerting and broadcasts including compliance with 47 CFR §79.2 ensuring accessibility of programming providing emergency information.

We are committed to working with you to make sure that we have plans in place that protect all Hawai'i residents and visitors including those with hearing disabilities and to ensure that emergency managers and tv and radio broadcasters roles in emergency broadcast situations are clearly defined.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Leonard", with a stylized flourish at the end.

Chris Leonard
President
Hawai'i Association of Broadcasters

Various Testimonies in SUPPORT

#	NAME	#	NAME	#	NAME
1	Kammi Koza	37	Wendell Tagura	73	Shonnia Cidade
2	Mai Vue	38	Mikaiah Ventura	74	Curtis Cidade
3	Eleanor MacDonald	39	Ceelste Custodio	75	Michelle Almar
4	Florence Rapoza	40	PJ Billimon	76	Jordan Almar
5	Darlene Ewan	41	Jessie Pascer	77	Joshua Almar
6	Jaynalynn Ancog	42	Brandon Chung	78	Cory Cidade
7	Kris Hatori-Sonognini	43	Jayden Takeno	79	JaCito K. Matusof
8	Precious Bautista	44	Fitzyguald Mercado	80	CiJay K. Matusof
9	Marylou Beal	45	Eva Moiyosea	81	Colleen K. Cidade
10	Kathy Thomas	46	Macayla Faamai	82	Ohau Axelsen
11	Brenda Nakamoto	47	Mavrick Fiti	83	Dina Dela Pena
12	Shannon McMahan	48	Anthony Momosea	84	Eric Dela Pena Sr.
13	Setsue Ikeda	49	Lincoln D. Tully	85	Devin Dela Pena
14	Jonathan Ikeda	50	William Kostla, Jr.	86	Blaise Dela Pena
15	Joy Enos	51	Victar Cheng	87	Erica Dela Pena, Jr.
16	Eileen Chiwa	52	Charlie Lu	88	Billy Rayray
17	Trudy Morita	53	Rae Yamashiro	89	Adrienne Bermudez
18	Renee Trempe	54	Joel Matusof	90	Rodmur Marco
19	Tiare Dela Cruz	55	Claudia Graham	91	Nathanael Olnas
20	Susan Nishino	56	Roy O. Balantic, Jr.	92	Teinor Rairat
21	Thijs Vanden Berg	57	Donna DuDonna	93	Alyssa Joy Rabosa
22	Kenneth J. Robertson	58	Viola Alameida	94	Myer Alokoa
23	Tabitha Ganitoen	59	Jarrood Sniffen	95	Dominique Winebush
24	Dwayne Edwards	60	Carlyn Thompson	96	Meilia Sonya
25	Esther E. Kim	61	KeriAnn Nakasone	97	Kikai Kaaumoana-Cummings
26	Kawekionalani Koki	62	Caylee Chinen	98	Raeann Bumanglag
27	Eric Acosta	63	Jaycie Chinen	99	Steve Laracuente
28	Claudine Enriquez	64	Vernicole Agustin	100	Zachary Rest
29	Myesha Pierce	65	Brent Cidade	101	Denny C. Voreck
30	Neil Gamatero	66	Bernil Golden	102	Emilia N. Daquioag
31	Joyce Kuniyuki	67	Clinton Cidade	103	Daniel Cho
32	Betty Lou K. Kedro	68	Kanan Cidade	104	Erin Carino
33	Kahlyn Siuta	69	Chloe Cidade	105	Jason Allen
34	Kayla-Ann	70	Chad K. Cidade	106	Arwin Sacalamitao
35	Jolani Labin	71	KoriAnn Cidade	107	Isabel Mejia Ramos
36	Thanicia	72	Brosnen Cidade	108	Markas Thompson

February 6, 2018
HB2675 TESTIMONY TO THE REPRESENTATIVE COMMITTEE
CONSUMER PROTECTION & COMMERCE

Representative Roy Takumi
Chair, Consumer Protection & Commerce

Hawaii State Capitol
Room #320
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Takumi,

My name is Kenneth J. Robertson. I am writing this testimony in support of HB2675, which requires each local television station to make emergency information that is provided accessible to persons with hearing disabilities by captioning all information.

On January 13, 2018, the Deaf community was stranded without any information via all Hawaii local television news-broadcasting stations throughout the entire day. All Hawaii local television stations did not provide any closed or open captioning for the entire time. This was especially horrifying considering that we had just received notification of a missile alert — yet we could not obtain ANY INFORMATION from Hawaii Emergency Management Agency. There was no information via alternative sources such as Facebook, Twitter, Instagram, YouTube, the HEMA website, the Governor's Office website or any online broadcasts, including CNN.com.

I, along with other Deaf, Deaf-Blind and hard of hearing Hawaiians, was isolated and did not receive the same access to information. This was alarming, because I had no idea of what was going on or why we had received such a terrible alert. The emotional and psychological effects of that day are not to be taken lightly, and could have easily been resolved with captioning. There must be accessible information at all times for all Hawaii residents.

It is important that you pass this bill so I can be assured that I will receive full information for any and all emergencies. I do not want to relive what I experienced on January 13 and the remainder of the weekend.

Thank you.

Sincerely, Kenneth J. Robertson

HB-2675

Submitted on: 2/7/2018 1:42:39 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Ewan		Support	No

Comments:

HB-2675

Submitted on: 2/7/2018 2:31:20 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
pat gegen		Support	No

Comments:

HB-2675

Submitted on: 2/7/2018 12:35:01 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maupin		Support	No

Comments:

ichiyama2 - Naomi

From: Beth Tokioka <bethann@hawaii.rr.com>
Sent: Wednesday, February 7, 2018 1:27 PM
To: CPCtestimony
Subject: HB 2675

HB2675 TESTIMONY TO THE REPRESENTATIVE COMMITTEE CONSUMER PROTECTION & COMMERCE

Representative Roy Takumi
Chair, Consumer Protection & Commerce
Hawaii State Capitol
Room #320
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Takumi,

I am writing this testimony in support of HB2675, which requires each local television station make emergency information that is provided accessible to persons with hearing disabilities by captioning all information.

On January 13, 2018, the Deaf community was stranded without any information via all Hawaii local television news-broadcasting stations throughout the entire day. Hawaii local television stations did not provide any closed or open captioning for the entire time, and live streaming of government officials' statements was also not captioned or interpreted in sign language.

There must be accessible information at all times for all Hawaii residents, especially in times of emergency.

Thank you.

Sincerely,

Beth Tokioka
Lihue, Hawaii

Sent from my iPhone

ichiyama2 - Naomi

From: Keri Lee <keriwee@gmail.com>
Sent: Wednesday, February 7, 2018 5:06 PM
To: CPCtestimony
Subject: HB 2675 in support of.

February 6, 2018
HB2675 TESTIMONY TO THE REPRESENTATIVE COMMITTEE
CONSUMER PROTECTION & COMMERCE

Representative Roy Takumi
Chair, Consumer Protection & Commerce

Hawaii State Capitol
[Room #320](#)
[415 South Beretania Street](#)
[Honolulu, Hawaii 96813](#)

Dear Representative Takumi,

My name is Keri Lee. I am writing this testimony in support of HB2675, which requires each local television station to make emergency information that is provided accessible to persons with hearing disabilities by captioning all information.

On January 13, 2018, the Deaf community was stranded without any information via all Hawaii local television news- broadcasting stations throughout the entire day. All Hawaii local television stations did not provide any closed or open captioning for the entire time. This was especially horrifying considering that we had just received notification of a missile alert — yet we could not obtain ANY INFORMATION from Hawaii Emergency Management Agency. There was no information via alternative sources such as Face book, Twitter, Instagram, YouTube, the HEMA website, the Governor's Office website or any online broadcasts, including CNN.com.

Many Deaf, Deaf-Blind and hard of hearing Hawaiians, were isolated and did not receive the same access to information. This was alarming, because they had no idea of what was going on or why we had received such a terrible alert. The emotional and psychological effects of that day are not to be taken lightly, and could have easily been resolved with captioning. There must be accessible information at all times for all Hawaii residents.

It is important that you pass this bill so all of us can be assured that we will receive full information for any and all emergencies. We do not want to relive what we all experienced on January 13 and the remainder of the weekend.

Thank you.

Sincerely,

Keri Lee
Laie, HI

Rep. Roy Takumi, Chair
Rep. Linda Ichiyama, Vice Chair
Committee on Consumer Protection & Commerce

Peggy Liang
Testimony presented as an individual
Email; Peggy Liang liangpeg@hawaii.edu

February 9, 2018

Testimony in *support* to House Bill 2675 – Relating to Emergency Management

My name is Peggy Liang. I am presenting this testimony as an individual in favor of HB 2675, which require requires each local television station to make emergency information that is provided in the audio portion of its video programming accessible to persons with hearing disabilities by using a method of closed or open captioning.

From my personal experience on January 13, 2018: I was completely lost when I got the alert on my phone and I had to rely on other people for further information based on one alert. Later, I found the live stream related to the public announcement and it was not captioned. Having it on the television would benefit the audience as any possible outlet including those people with English as a second or foreign language. Hawaii is the most diverse state with flourished international visitors coming in for vacation.

The bottom line is that the passage of House Bill 2675 will provide effective communication access on the television for the Deaf, Hard of Hearing and Deaf Blind.

I strongly urge the Committee to pass this bill, which will bring the safety among the residents and visitors with equal and effective communication access.