



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

March 8, 2018

TESTIMONY TO THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senate Concurrent Resolution 40 – Requesting the State of Hawaii Department of Defense to Convene an Emergency Management Agency Review Task Force

The Disability and Communication Access Board (DCAB) supports Senate Concurrent Resolution 40 requesting the convening of an emergency management task force that reviews Hawaii Emergency Management Agency's operations with respect to notifying the public of imminent ballistic missile attacks; considers whether the Hawaii Emergency Management Agency is the appropriate agency to notify the public in the event of a ballistic missile alert; and evaluates whether Hawaii Emergency Management Agency is capable of notifying the public of imminent missile attacks based on the January 29, 2018 Internal Investigative Memorandum and its findings.

The resolution continued by identifying nineteen members of the task force. We suggest adding representatives of the disability and elderly communities.

DCAB has worked with many of the listed agencies to encourage these agencies to include people with disabilities and others with access and functional needs (PAFN) such as, people with Limited English Proficiency, children, elderly, transportation deprived, and homeless) since Hurricane Katrina in 2005. Individuals with disabilities and other PAFN are the most profoundly impacted by any emergency event and should have representation on the task force.

People who are deaf, hard of hearing, or have communication issues were the most uninformed members of the community on January 13, 2018. They may have received the alert and subsequent cancellation of the alert, but had no access to any of the live televised broadcasts discussing the event and what was happening on that day because an American Sign Language interpreter and/or live captioning was not included on the programs. Without a representative on the task force, are we as the citizens of Hawaii considering the needs of the whole community? We should begin modeling best practices by including people with disabilities and others with access and functional needs starting with the planning and mitigating process that this task force is established to undertake.

Thank you for the opportunity to testify.

Respectfully submitted,

FRANCINE WAI
Executive Director

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

Testimony on Senate Continuing Resolution (SCR) 40
**REQUESTING THE STATE OF HAWAII DEPARTMENT OF DEFENSE TO CONVENE AN
EMERGENCY MANAGEMENT AGENCY REVIEW TASK FORCE**

by

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

Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

Aloha – I am Moses Kaoiwi, Interim Administrator of HI-EMA and offer the following testimony **in support** of SCR 40.

SCR 40 proposes the establishment of an emergency management agency review task force by the State of Hawaii Department of Defense for the purposes of: (1) reviewing the Hawaii Emergency Management Agency's (HI-EMA) operations with respect to notifying the public of imminent ballistic missile attacks; (2) considering whether HI-EMA should be the entity that notifies the public of imminent ballistic missile attacks; and (3) evaluating whether HI-EMA is capable of notifying the public of imminent ballistic missile attacks in light of the January 29, 2018 internal investigative memorandum and its findings on the agency's preparedness, protocol procedures, personnel training protocols, leadership matrix, communication system procedures and lines of communication with the U. S. Pacific Command.

As you know, there is an ongoing debate over who should notify the public of an imminent ballistic missile attack. The current options are Federal agencies, such as the Department of Homeland Defense and the Department of Defense, or the state emergency management agencies. A review and report, as proposed by SCR 40, by an independent task force comprised of emergency managers, military, business, and the whole of community, would help to determine how we notify the public of such an attack. I would recommend the addition of a representative of the Federal Emergency Management Agency (FEMA) to the list of proposed participants.

Thank you for the opportunity to submit this testimony **IN SUPPORT** of SCR 40.

Moses Kaoiwi; moses.kaoiwi.mil@mail.mil; 808-733-4300

March 5, 2018

Senator Clarence K. Nishihara, Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

RE: SCR 40 REQUESTING THE STATE OF HAWAII DEPARTMENT OF DEFENSE TO CONVENE AN EMERGENCY MANAGEMENT AGENCY REVIEW TASK FORCE

Senator Nishihara and members of the committee –

This testimony is in regards to SCR 40, formation of a Hawaii Disaster Preparedness Task Force. I would like to bring to the committee's attention that the FCC mandated under 47 CFR 11.21(a) that the State Emergency Communications Committee (SECC) is responsible for formulating and overseeing the implementation of the state Emergency Alert System (EAS) plan for Hawaii. Upon approval by the FCC, this plan is the guiding document on how the EAS is used by state and county emergency management and the broadcast industry in times of disaster notification.

Under 47 CFR 11.21(a), the SECC is solely responsible for the content of this plan, and once implemented, all users (state/local authorities and broadcasters) must follow the policies, procedures and guidelines within it. This includes activation of the EAS system and disaster communication to the public through EAS and other means to the broadcasters and then to the public.

The committee works with telecommunications companies and all broadcasters (radio, TV and cable) to designate the various codes (categories) for emergency messages from national and local authorities such as the National Weather Service, Police (Amber Alerts), state and county emergency management agencies as well as others.

The committee also determines the procedures and policies for activating the EAS for local emergencies and sets an agreement between all parties how information will be passed to the public in times of emergency. As you are aware, FEMA and the FCC designed the EAS system to allow the president to address the nation in time of emergency. For this reason, the EAS system is required for all broadcast outlets.

Both FEMA and the FCC allow the EAS to be utilized for local emergencies by state and county officials under the plan written and overseen by the SECC. The committee is also charged with ensuring EAS use by local authorities conforms to the FCC's EAS rules and regulations.

We work closely with the state and local emergency management agencies, law enforcement and the broadcasters individually and through the Hawaii Broadcaster's Association.

It is important that the SECC be represented on the Hawaii Disaster Preparedness Task Force. The committee's expertise in emergency communications and needs of both sides in informing the public of an emergency and the action people must take to protect themselves and their families would be a vital resource for the committee. Importantly, recommendations made by the task force may not be

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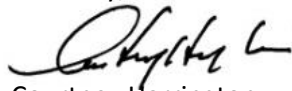
RE: SCR 40 REQUESTING THE STATE OF HAWAII DEPARTMENT OF DEFENSE TO CONVENE AN
EMERGENCY MANAGEMENT AGENCY REVIEW TASK FORCE

considered for inclusion in the EAS plan if the SECC is not aware because of non-representation on the committee.

One of the more serious problems that resulted from the January 13th false missile attack warning was the lack of information from HI-EMA to broadcasters and the general public. That left both the public and the broadcasters confused as to the validity of the warning as well as any usable information as to what they were supposed to do. This only compounded the public's reaction to the event. That also contributed to a serious loss of confidence in HI-EMA by the broadcasters and news organizations. This is an issue we are still dealing with. Although much has been restored we still have more work to do and being represented on the task force will be another step in this direction.

The SECC is now revising the plan to reflect changes to deal with short fuse emergencies such as local tsunami, earthquake and missile attack warnings. These changes will affect state and county procedures and policies in how they use the EAS and communicate to the public going forward. This could affect decisions by the task force and I believe it best that the SECC be represented so all may work together.

Sincerely,



Courtney Harrington
Hawaii State SECC Chair
(808) 551-3649
charrington@lava.net
www.HawaiiSECC.com

cc: George Burnett, HI-EMA



Testimony of Chris Leonard
President – Hawaii Association of Broadcasters, Inc.
President – New West Broadcasting Corp.
Comments re: SCR 40

Requesting the State of Hawaii Department of Defense to convene an Emergency
Management Agency Review Task Force

Before the Senate Committee on Public Safety, Intergovernmental and Military
Affairs

Good afternoon Chairman Nishihara, Vice Chair Wakai and members of the committee. My name is Chris Leonard and I am the President of the Hawaii Association of Broadcasters. We represent radio and television stations across the State of Hawaii. I am also the President and General Manager of New West Broadcasting, a Hilo-based company that owns and operates 5 radio stations in Hilo and Kona. Thank you for your time to discuss emergency communications and public safety and more specifically SCR 40. There have been numerous house and senate bills introduced this session in response to the false missile alert on January 13th. While the intent of these bills has been good, many of them have been fraught with a lack of understanding of how emergency management and emergency communication works and jurisdictional issues. We have multiple bills looking to create task forces to review processes and procedures for Hawaii Emergency Management.

SCR 40 is one of the measures that we are concerned about. In its opening paragraph, it significantly understates the false missile issue by indicating that the public was notified by wireless phone alert. In fact, HI-EMA issued an Emergency Alert System (EAS) alert through Federal Emergency Management Agency's (FEMA) Integrated Public Alert & Warning System (IPAWS) which aired on nearly 100 radio, tv, and translator signals across the State of Hawaii in addition to cable television and wireless alerts on mobile devices.

SCR 40 indicates that its objectives are:

***(1) Reviewing the Hawaii Emergency Management Agency's
Operations with respect to notifying the public of imminent
ballistic missile attacks;***

(2) Considering whether the Hawaii Emergency Management
Agency should be the entity that notifies the public of imminent

ballistic missile attacks; and

- (3) Evaluating whether or the Hawaii Emergency Management Agency is capable of notifying the public of imminent ballistic missile attacks in light of the January 29, 2018, internal investigative memorandum and its findings on the agency's preparedness, protocol procedures, personnel, training protocols, leadership matrix, communications systems procedures, and line of communication with the United States Pacific Command...

The resolution defines who is requested to serve on the task force and includes: the Governor or his representative, the Adjutant General , members of the state and county emergency management teams, the Director of Transportation, the Superintendent of Education, the President of the Hawaii Tourism Authority, the President of the Chamber of Commerce of Hawaii, a representative of the airline industry, the President of the Hawaii Lodging and Tourism Association, a representative from Hawaii's Shipping Industry in addition a community representative. It is incomprehensible to me that a task force with a first stated goal to review the process of notifying the public in the case of emergency does not include or mention representatives from the Radio and Television broadcast industry, the wireless industry, and the cable industry. These partners are specifically tasked with emergency notification responsibilities and are the backbone of the system that connects emergency managers with the 1.4 million residents and 250,000+ visitors in our state.

On January 13th, the technology worked. Most of the state received the initial EAS and WEA alerts regarding the "imminent ballistic missile attack". While there were numerous problems including staffing and procedural issues as described in two subsequent reports, **the primary failure was to effectively communicate to the public that the initial alert was erroneous.**

At the most simplistic level, Broadcasters need to know the alerts issued by Emergency Management Personnel have been thoroughly authenticated and vetted and Emergency Management Officials need to know that when an alert is sent through IPAWS or through the state's network of EAS participants that the message will be distributed by broadcasters in accordance with the State EAS Plan.

We do have issues with our State EAS plan which is currently out of date. However, it is currently undergoing an extensive review and rewrite by the State Emergency Communications Committee (SECC), a committee recognized by the FCC in 47 CFR 11. It includes stakeholders from Emergency Management, broadcast radio and TV, cable, etc. and is tasked with the development and management of the state EAS plan.

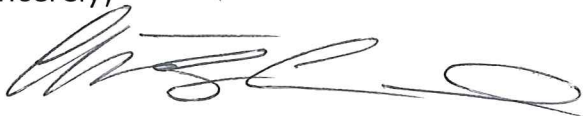
47 CFR 11.21 requires State and Local Area plans to be reviewed and approved by the Chief, Public Safety and Homeland Security Bureau, prior to implementation to ensure that they are consistent with national plans, FCC and regulations and EAS operation.

While we have questions about the need for another task force or committee, should the legislature pass this measure, it is imperative that those tasked with communicating with the public, including radio and television broadcasters, are included.

In any review and/or planning for emergency communications, it is imperative that the legislature understand the unique role that broadcasters play. We are the backbone of the State and Federal EAS system. More than 100 radio and tv stations across the State of Hawaii stand ready to serve the public in times of emergency. We are uniquely situated to deliver critical messaging under the most adverse conditions. We reach more people than any other communications medium and, more importantly, we are resilient with many stations equipped with back up gear, generators, fuel supplies, etc. We have the ability to deliver emergency information when the internet and wireless services are down and we are not subject to network congestion. Any state plan needs to recognize and include new technology including wireless and social media however, neglecting to include broadcasters is a significant and dangerous omission.

Chairman Nishihara, Vice Chair Wakai and committee members, we greatly appreciate your time and concern. I firmly believe we all have the public's best interest in mind, however we need to make sure that we all work together toward viable solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Leonard", written over a horizontal line.

Chris Leonard
President
Hawaii Association of Broadcasters

President/General Manager
New West Broadcasting Corp.

SCR-40

Submitted on: 3/7/2018 1:24:37 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

THE SENATE
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Thursday, March 8, 2018
1:30 P.m.
Hawaii State Capitol, Conference Room 229

RE: Testimony in Support of **SCR40**

To the Honorable Clarence K. Nishihara, Chair; the Honorable Glenn Wakai, Vice-Chair and the Members of the Committee on Public Safety, Intergovernmental and Military Affairs:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SCR40** to REQUEST THE STATE OF HAWAII DEPARTMENT OF DEFENSE TO CONVENE AN EMERGENCY MANAGEMENT AGENCY REVIEW TASK FORCE.

The OCC Legislative Priorities Committee is in favor of **SCR40** and supports its passage.

SCR40 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requests the State of Hawaii Department of Defense to convene an emergency management agency review task force for the purposes of: (1) Reviewing the Hawaii emergency management agency's operations with respect to notifying the public of imminent ballistic missile attacks; (2) Considering whether the Hawaii emergency management agency should be the entity that notifies the public of imminent ballistic missile attacks; and (3) Evaluating whether the Hawaii emergency management agency is capable of notifying the public of imminent ballistic missile attacks in light of the January 29, 2018, internal investigative

memorandum and its findings on the agency's preparedness, protocol procedures, personnel, training protocols, leadership matrix, communication system procedures, and lines of communication with the United States Pacific Command.

Specifically, the Platform of the Democratic Party of Hawai'i provides that "[w]e believe in a government that will adequately, efficiently, courteously, openly, ethically and fairly administer to the needs of the people." (Platform of the DPH, P. 5, Lines 245-246 (2016)).

Given that **SCR40** requests the State of Hawaii Department of Defense to convene an emergency management agency review task force, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

SCR-40

Submitted on: 3/6/2018 3:00:20 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Peterson	Individual	Support	No

Comments: