

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)
)
Amendment of Part 11 of the Commission’s Rules) PS Docket No. 15-94
Regarding the Emergency Alert System)
)

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION & SUMMARY

The National Association of Broadcasters (NAB)¹ hereby replies to comments submitted in response to the Commission’s above-captured Notice of Proposed Rulemaking (NPRM), where the Commission proposes a mechanism to enhance the accessibility of the Emergency Alert System (EAS) messages for persons who “do not speak English very well or at all.”² The Commission’s plan would require broadcasters to transmit alerts in the primary language of their station’s content using pre-translated, pre-loaded scripts of EAS messages. While we continue to share the FCC’s goal to enhance the safety of non-English speakers, NAB agrees with the overwhelming number of comments that raise concerns with the efficacy, cost, and/or precision associated with this proposed rule. As we noted before, NAB

¹ The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Notice of Proposed Rulemaking, PS Docket No. 15-94, FCC 24-23 (rel. Feb. 16, 2024) (NPRM or Notice), at ¶ 1.

encourages the FCC to study this proposed rule further to ensure that any potential implementation is simple, economical, and flexible.

First, NAB agrees with the commenters noting that multilingual template EAS alerts are unlikely to be effective and, indeed, may cause further confusion for non-English language audiences. *Second*, we concur with the vast majority of commenters who observed that the proposed rule is an expensive mandate that is not funded by the government and would be difficult to implement. Ultimately, we share the Federal Emergency Management Agency's (FEMA) view that the costs of the proposed rule will outweigh any minor, speculative benefits. *Third*, the nebulous nature of this proceeding underscores that any multilingual EAS rule would be premature at this stage. However well-meaning, we believe the FCC's proposed rule requires significant more input, planning, and consideration lest a course of action be taken that ultimately would do more harm than good. Finally, to the extent the FCC intends to proceed forward with a rule (rather than gathering more information through a Notice of Inquiry), we think the best course of action – as other commenters suggest – would be to make optional the adoption of multilingual template EAS alerts outside the station's primary language.

II. Multilingual Template EAS Alerts are Likely to be Unproductive and Confusing

As discussed in our opening comments, NAB believes that the FCC's proposed template alerts will be ineffective and confusing. In particular, the messages will have to be stripped of meaningful content to their essentials to be translated into pre-canned scripts in 13 different languages. No doubt, those pre-canned scripts will omit information and nuance that may be crucial to delivering an effective warning to the receiver. For instance, as FEMA noted in its comment: "Effective alerts written in English words may not convey the same intended warning urgency and protective guidance when translated directly to other

languages and dialects.”³ Based on FEMA’s expert views, effective templated messages require five key types of information:

1. A description of the threat or event;
2. Protective action guidance;
3. The locations and population at risk;
4. When the public should take the protective action and when the public action should be completed; and
5. The sender or source of the message.⁴

But how can a template message carry specific location information, specific information about the hazard or event, or specific guidance about what protective actions people should take?⁵ For instance, imagine an EAS alert warning the public about an active shooter event where authorities seek to direct the public to avoid a specific location. How can authorities convey such crucial location detail through a templated response in an EAS alert? Without additional context, such an alert would only serve to foment panic, while not clearly informing the public of how to avoid a perilous situation. As REC Networks points out, even if templates are supplemented with an insert for location information, any alerts sent through the legacy EAS system will only be at the county level, which would not be granular enough to provide pellucid instructions to the public.⁶ The public assuredly would have to consult other sources of information to figure out how to react appropriately to the emergency. As FEMA observes:

³ Comments of the Federal Emergency Management Agency, PS Docket No. 15-94 at 2 (Apr. 10, 2024) (hereinafter “FEMA Comments”).

⁴ *Id.* at 1-2; see also Comments of The Multicultural Media, Telecom and Internet Counsel, PS Docket No. 15-94 at 6-7 (Apr. 5, 2024) (hereinafter “MMTC Comments”).

⁵ FEMA Comments at 1-2; see also Comments of Adrienne Abbott Gutierrez, Nevada EAS SECC Chair, PS Docket No. 15-94, at 1-2 (Apr. 10, 2024) (“hereinafter “Gutierrez Comments”).

⁶ Comments of REC Networks, Riverton Radio Project Association, PS Docket No. 15-94 at 4-5 (Apr. 8, 2024) (hereinafter “REC Networks Comments”).

“[T]emplated messages for short notice emergency events (e.g., evacuation orders, active shooter/policy activity, chemical release, flooding, tsunami, etc.) that require protective actions be understood and acted on by the public urgently will not provide enough specific information for the public to respond without seeking and finding additional information.”⁷

The National Weather Service also averred that “[a]s a national agency, it would be infeasible for us to identify the ‘messages most commonly used’ [for weather alerts] because our message types often vary depending on localities (e.g., hurricane alerts are not issued for states well inland).”⁸ Finally, as one commenter observes, few countries rely upon broadcast media to issue public warnings, which means the purported beneficiaries of these alerts may not be accustomed to receiving alerts of this nature through broadcast channels.⁹

Even those supporting the NPRM recognize the inherent complexity of providing multilingual template EAS alerts. For instance, the Boulder Regional Emergency Telephone Service Authority (BRETSA) finds that, when paired with more localized and targeted Wireless Emergency Alerts (WEA), multilingual template EAS alerts may cause “public confusion,” and that the proposed templates may be oversimplistic depending on the nature of the incident.¹⁰ And the Multicultural Media, Telecom and Internet Counsel warns that “[p]re-scripted templates for alerts come with certain limitations,” including the inability to tailor messages with context-specific and event-specific information, the lack of regionally and culturally

⁷ FEMA Comments at 5.

⁸ Comments of the National Oceanic and Atmospheric Administration and the National Weather Service, PS Docket No. 15-94 at 5 (Apr. 5, 2024) (hereinafter “NOAA/NWS Comments”).

⁹ Gutierrez Comments at 2.

¹⁰ Comments of Boulder Regional Emergency Telephone Service Authority, PS Docket No. 15-94 at 2, 6 (Apr. 8, 2024) (hereinafter “BRETSA Comments”).

specific templates for large diverse populations, and the cumbersome process of updating pre-scripted templates.¹¹ This incoherence and confusion not only risks disorienting the public, it also exacts considerable costs from broadcasters and other EAS participants.

III. This NPRM is an Unfunded Mandate that Will Impose Outsized Costs That Outweigh Any Concomitant Benefits

As we discussed in our comments, the FCC’s proposals will impose significant costs on broadcasters with very little resultant benefit to the public. Indeed, there very likely are material technical limitations to existing EAS equipment that would require significant upgrades. For example, National Public Radio (NPR) warns that mandating the use of equipment or software that requires broadcast stations to transmit multilingual template EAS alerts may render existing equipment “obsolete and incompatible.”¹² If that is the case, broadcast stations would have to replace their existing equipment to accommodate these new multilingual templates. For resource-constrained public broadcasting stations or smaller broadcasting stations (as well as larger station groups that may have hundreds of EAS devices), the cost would be excessive, and have to be absorbed entirely by stations. As NAB pointed out in its submission, based on an NAB analysis of 2022 BIA Media Access Pro data, there are approximately 6,400 full-power commercial radio stations with annual revenue estimates below \$100,000 and 5,900 stations with annual revenue estimates below \$50,000.¹³ Requiring so many broadcasting stations to bear the costs of potentially upgrading EAS equipment under such tight revenue conditions will place these stations under

¹¹ MMTC Comments at 6-7.

¹² Comments of National Public Radio, PS Docket No. 15-94 at 5-6 (Apr. 9, 2024) (hereinafter “NPR Comments”).

¹³ Comments of the National Association of Broadcasters, PS Docket No. 15-94 at 6 (Apr. 8, 2024) (hereinafter “NAB Comments”).

extraordinary cost pressures. And this would follow other unfunded mandates to the EAS system that the FCC is considering already.¹⁴

FEMA also remains “concerned with the costs that will be imposed on EAS participants” – particularly smaller EAS participants.¹⁵ With the increased costs, FEMA worries that the NPRM may disincentivize voluntary participation in EAS, which would adversely affect the effectiveness of the National Public Warning Service (NPWS). Such attrition, according to FEMA, may make it “difficult to reach the public during critical national security emergency conditions if devices are not configured properly” and “would greatly impact the ability for NPWS messages to be relayed to more local transmission points that assist in reaching the largest possible audience during emergency situations.”¹⁶ NPR also notes that if a local broadcast station exclusively (or even primarily) broadcasts in English, acquiring new equipment to send multilingual alerts would be of little benefit.¹⁷

Putting aside the costs, EAS device manufacturers also highlight certain technical issues to the proposal. Sage Alerting Systems explained that “adding additional codes that specifically invoke the uses of templates is counterproductive for EAS. It may make the EAS system harder to use for Alert Originators (AO), state planners and individual EAS participants.”¹⁸ Digital Alert Systems requested more time for the rule to be considered given

¹⁴ NAB Comments at 4 (noting that the FCC is weighing two other potentially taxing changes including a new EAS code for “Missing and Endangered Persons (MEP)” and incident reporting of every EAS outage).

¹⁵ FEMA Comments at 6.

¹⁶ *Id.* at 3-4.

¹⁷ NPR Comments at 6.

¹⁸ Comments of SAGE Alerting Systems, Inc., PS Docket No. 15-94 at 1-2 (Apr. 8, 2024) (hereinafter “SAGE Comments”).

the need for more technical discussions, which further highlights the speculative benefits to the proposed rule as currently formulated in the NPRM.¹⁹

Broadcasters are not the only ones who worry about the costs. The National Cable and Telecommunications Association (NCTA) explains that “[c]able EAS architecture cannot currently support multilingual template alerting, and the extensive re-engineering required to implement such alerting would only be feasible—if at all—for a subset of cable systems that use Internet Protocol-based set-top boxes.”²⁰ Of course, many cable subscribers are served by cable operators that do not utilize IP-based set-top boxes. And even for those cable operators that do use IP-based set-top boxes, it would take years to implement and would be extraordinarily expensive to execute.²¹ DirectTV similarly observes that it would have to update its DBS and U-verse equipment to receive EAS messages in languages other than English “as its equipment is not currently capable of doing so,” nor can DirectTV broadcast messages in a language that matches the specific programming on display.²² For DirecTV, all of these changes would require significant reengineering.

A few commenters express support for the NPRM, but their comments tellingly do not seriously grapple with the costs and implementation hurdles, nor do they firmly endorse a fixed-template approach. For example, the Boulder Regional Emergency Telephone Service Authority does not evaluate the costs or challenges to implementing template multilingual

¹⁹ Comments of Digital Alert Systems, Inc., PS Docket No. 15-94 at 2 (Apr. 9, 2024) (hereinafter “Digital Alert Systems Comments”).

²⁰ Comments of NCTA – The Internet & Television Association, PS Docket No. 15-94 at 2 (Apr. 9, 2024) (hereinafter “NCTA Comments”).

²¹ NCTA Comments at 2.

²² Comments of DirectTV, LLC, PS Docket No. 15-94 at 3 (Apr. 9, 2024) (hereinafter “DirectTV Comments”).

EAS alerts, and as discussed earlier, notes many of the limitations to EAS alerts.²³ Disability advocates also recognize the “limitations of the EAS system and the timing considerations related to dissemination of information in cases of emergency” and do not consider the costs or feasibility of implementing the NPRM.²⁴

Put together, it remains clear that there are high costs to implementing the NPRM with minimal – or at best, uncertain – benefits. Indeed, as we discussed in our initial comments, NAB has not found any evidence that radio listeners and/or TV viewers are not receiving crucial safety alerts because an EAS message was not transmitted in their native language.²⁵ Ultimately, if the FCC is to act in this area, it must have far greater information and a deeper understanding of both the costs involved in implementation and the need in the first instance for such alerts.

IV. The NPRM is Too Inchoate to Be Finalized Into a Rule

Although the present proceeding is an NPRM, in truth, it reads like an NOI; it is too open-ended for stakeholders to provide sufficient feedback. As a result, commenters are left to make assumptions about how the potential rule may be implemented and respond to

²³ BRETSA Comments at 2, 6.

²⁴ TDIforAccess, Inc., Communication Service for the Deaf, Hearing Loss Association of America, National Association of the Deaf, and Registry of Interpreters for the Deaf, Inc., PS Docket No. 15-94 at 4 (Apr. 9, 2024); see also Comments of Wisconsin Department of Health Services, Office of the Promotion of Independent Living (OPIL), PS Docket No. 15-94 (Apr. 8, 2024). Indeed, as many commenters have recognized, implementing notifications for American Sign Language will require significant investment, planning, and logistical changes. FEMA Comments at 3-5; Initial Comments of ACA Connects and NTCA on Notice of Proposed Rulemaking, PS Docket No. 15-94 at 7, n. 11 (Apr. 8, 2024) (hereinafter “ACA/NTCA Comments”); Oregon Disability Emergency Management Advisory Committee, PS Docket No. 15-94 at 1-2 (Apr. 9, 2024) (hereinafter “Oregon DEMAC Comments”); REC Networks Comments at 9-10.

²⁵ NAB Comments at 6-7.

hypotheticals, which cannot support the issuance of a well-considered rule regarding multilingual template EAS alerts. Indeed, the comments beg several questions that the NPRM has yet to adequately broach. For instance:

- How will the template alerts provide sufficient detail to effectively warn the public of the emergency (e.g., precise location, the nature of the threat or hazard) and to recommend the most appropriate response to that emergency?²⁶
- Who will have the authority to modify template alerts? And how will they modify the alerts?²⁷
- How will template alerts convey the urgency and clarity in other languages where direct translations from English would not adequately capture the same level of urgency or clarity?²⁸
- How will template alerts be translated for languages that have multiple dialects (e.g., Chinese, which has 11 different speaking dialects and two types of written characters)?²⁹

²⁶ FEMA Comments at 1; NOAA/NWS Comments at 1; Digital Alert Systems Comments at 2; SAGE Comments at 2; Oregon DEMAC Comments at 1; NCTA at 7-8; ACA/NTCA Comments at 7.

²⁷ FEMA Comments at 3; MMTC Comments at 7.

²⁸ FEMA Comments at 2; Oregon DEMAC at 1; Gutierrez Comments at 2.

²⁹ FEMA Comments at 3; *cf.* Comments of the National Hispanic Media Coalitions), PS Docket No. 15-94 at 4 (Apr. 8, 2024) (“Current templates, while functional, may inadvertently include colloquialisms or constructions that are not universally understood across the spectrum of non-English-speakers and Spanish-speakers. This includes those of varying educational backgrounds, regions, and cultural contexts. For instance, terms that are commonplace in one Spanish-speaking country may be entirely foreign or carry different connotations in another.”).

- How will template alerts balance the presentation of warnings in ASL in a way that provide enough context around the urgency and clarity of the threat or hazard while ensuring such alerts can be practically provided?³⁰
- How will the systems be evaluated to ensure the proper functioning of these multilingual template EAS alerts?³¹
- Will this rule require broadcast stations to upgrade equipment? Or can the update be done with a simple software upgrade?³²
- If substantial investments are required to implement these multilingual template EAS alerts, how much time will broadcast stations have to add the infrastructure to support these EAS alerts?³³

These are just some of the numerous issues that will need to be addressed before any rule can be promulgated. Unsurprisingly, commenters have suggested that the FCC continue with its fact-finding rather than proceed to implementation.³⁴ Given the breadth of issues that remain, this proposal is far too underdeveloped to be final and should be tabled so the FCC can engage in further consideration.

³⁰ FEMA Comments at 2; Oregon DEMAC at 1-2.

³¹ FEMA Comments at 2.

³² NAB Comments at 5-6; NPR Comments at 5-6.

³³ NAB Comments at 3.

³⁴ See, e.g., Digital Alert Systems Comments at 2 (“We would respectfully suggest that the FCC should seek to coordinate with the FEMA IPAWS program office in assembling and empaneling a working group to look that these proposed objectives, the technical issues they entail, and potential directions to move forward to meet the Commission’s goals.”); *id.* (“We are concerned that the public comment process alone will not provide the Commission with sufficient information upon which to move forward with its proposed objectives. We respectfully urge that the Commission refrain from imposing regulation before such cross-industry technical deliberation can occur.”).

V. FCC Should Embrace Simplicity in Encouraging Stations to Broadcast Multilingual Template EAS Alerts

Even if the FCC decides to proceed with developing multilingual template EAS alerts at this time, each broadcast station should only be required to transmit alerts in the primary language of the station while having the option to transmit alerts in other languages based on that station's audience. Broadcast stations best know their audiences and are best positioned to select the EAS alerts that are relevant to the station's community. As NPR explains, requiring stations to broadcast alerts in all languages that relate to a channel's programming could drastically increase the station's burden and incentivize the station, over the long run, to abandon programming in languages that are different than the station's primary language.³⁵

We also believe that stations should be able to replace their hardware EAS devices with more efficient software-defined solutions to provide multilingual alerts on one station or via multicast outlets. NPR similarly suggests that a software-based EAS encoder/decoder technology would be more adaptable, improve accessibility, and improve the EAS alert system overall.³⁶ Indeed, facilitating a move to a software-based EAS system may enable the transition to multilingual EAS alert notifications that the FCC would like to implement.

Finally, given the significant outstanding issues to this proposal, we believe implementation should be over a period of time, rather than immediate. In our original comment, we suggested that at least a 30-month period would be needed to comply with any

³⁵ NPR Comments at 8.

³⁶ *Id.* at 7.

such order, but given the numerous outstanding issues identified by other commenters, we note that an even longer time horizon for implementation may be required.³⁷


VI. Conclusion

Although NAB does not object to the FCC's proposal to enhance the accessibility of EAS for persons who do not speak English very well, NAB concurs with other commenters that this proposal requires more consideration and clarity before it can be finalized. NAB also submits that any proposal that may be considered should be simple, economical, and flexible.

Respectfully submitted,

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May 6, 2024

³⁷ NAB Comments at 3; *accord* FEMA Comments at 6 (“However, implementation timelines for the EAS could be significantly longer than the 36 months proposed for WEA in the WEA Accessibility Order based on the time to create templated scripts, modify technical and cybersecurity standards, and upgrade all EAS devices. Additional time may be required to conduct full and adequate testing with native speaking participants, and to review all risks prior to implementation.”); *cf* ACA/NTCA Comments at 7 (“Even ignoring budgetary limitations, Joint Commenters estimate the proposed rules would take years – perhaps a decade or more – for cable providers to fully implement.”).