

## **National Organization on Disability Emergency Preparedness Initiative**

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Good Morning. My name is Hilary Styron. I am director of the National Organization on Disability's Emergency Preparedness Initiative. I would like to thank FCC Chairman Martin for convening the Investigation Panel on a topic that is critical to the life-safety and health of 54 million men, women, and children with disabilities in the United States, but more specifically the 945,000 individuals with disabilities in Alabama, 880,000 in Louisiana, and the 607,000 in Mississippi. I would also like to thank the panel Chairwoman, Ms. Victory and the panel members for holding today's meeting and hearing comments from representatives from the disability community.

At the January 30<sup>th</sup> meeting of this investigation panel you heard remarks from telecommunication providers and first responder agencies and their experiences from Hurricane Katrina and the impact on the communication infrastructure, media access, and interoperable communications between responders and rescue agencies. This morning, my remarks on those same issues are to remind you of a population the relies on communication technology just as much as responders, but this time, in terms of their own life safety, their ability to have early alert and notification, and their ability to understand the severity of the emergency and actions required of them.

Hurricane Katrina impacted all populations. Over 770,000 people were displaced, and according to the recently released Federal Response/Lessons-Learned report from the White House, many of the 1,330 victims were elderly or infirm, 71% of the victims were older than age 60 and at least 68 victims were found in nursing homes. U.S. census reports from year 2000 indicate that in each of the hardest hit areas nearly 25% of their populations were classified as having a disability. In New Orleans alone, over 23,000 people have a sensory disability that may require additional assistive technology for everyday communications, and this need only increases during emergencies.

In other words, the destruction of the physical environment and communications systems caused by Hurricane Katrina had implications to thousands of people with disabilities who lived along the Gulf Coast. For example, people who are deaf or hard of hearing were challenged to access emergency information through television, radio, or TTY due to damage, but also due to lack of accessible information being provided by broadcasters.

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If individuals were able to reach a shelter, they were met with inaccessible facilities and technology. During Hurricane Katrina, my program deployed four special needs assessment teams into the region and determined that over 80% of the shelters did not have access to TTY communications, however, vendor telephone companies stood up mobile telephone banks all over the region but without TTY's or Video Relay Service for American Sign Language (ASL) users. Over 60% of shelters did not have captioning capabilities utilized on television screens and several broadcasters did not caption their emergency information, which is required under FCC regulations.

The FCC indicated that consumer information for emergency communications during Hurricane Katrina included three components:

- 1) The 911 system through public service answering points—however, many 911 systems collapsed and had to be rebuilt;
- 2) The Emergency Alert System (EAS), where all EAS alerts should be accessible by audio and visual means, or simple visual means, including closed-captioning, open-captioning, crawls or scrolls—was not activated by officials thereby not impressing the extreme emergency to all people or conveying information to the population; and
- 3) Radio and/or broadcast or cable television station news and updates—of which must be made accessible in order to be effective.

If the very options for emergency communications recognized by the FCC for Hurricane Katrina were not activated, were destroyed, or simply not implemented, then there are no communications options for a population in desperate need. People with disabilities may need additional preparation time to respond to an emergency. Having early and accessible warnings are key. People living in congregate care settings and those with cognitive disabilities rely on others to help them during emergency evacuations, and coordination of this effort takes time. Care providers and people with disabilities themselves, must be able to access the information if we as emergency managers expect citizens to prepare or evacuate themselves.

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Television stations may assert that they are doing their best just to stay on the air. That is true, but they must get over the notion that helping most of the people is good enough when it's the law that they make the information available to all people. A television station in southern Mississippi had a sign language interpreter on the screen during weather announcements, but there was no closed captioning of what the reporter was actually saying. If one was hearing impaired and did not know sign language, they would still not have emergency information. While this station did have information on where to go and what to do scrolled across the screen, additional information coming from reporters was not captioned or signed for the deaf and hard of hearing population to gather quite possibly, life-saving information.

Even with 47 Code of Federal Regulations (C.F.R.) Section 79.2 requiring that any information intended to further the protection of life, health, safety, or property, such as immediate weather situations, evacuation orders, relief assistance, etc., include critical details about the emergency and be provided in a visual format, such as open captions, scrolls, or even hand-lettered signs, for accessibility to persons with disabilities and requiring that these rules apply to all local broadcasters, cable operators, and satellite television service providers, there seems to be a barrier in compliance with this regulation, in that TV stations have had the discretion to determine what constituted an emergency. Perhaps, if the EAS had been activated, even television broadcasters would have recognized the pending onslaught of Hurricane Katrina to be massive and truly an emergency and not taken the latitude to make their broadcasts accessible.

One way to address this problem is at the very least when a Presidential declaration of disaster has been made then everything given verbally about that event must be accessible visually for persons with hearing disabilities. And if maps or written/visual material is referred to then it must be explained verbally so that persons with vision disabilities have access to that information. The critical details must also be provided in an aural format.

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Additional solutions to these communication problems are already used by the enforcement bureau and perhaps should be integrated into general practice by the broadcast industry across the board and without delay:

1. Stations should commence captioning or contact its captioning service promptly before or contemporaneously with any broadcast coverage of a pending or imminent emergency that endangers the Station's principal coverage area and make its best reasonable efforts to ensure that coverage of the emergency is captioned as soon as possible;
2. Stations should maintain visible postings on television sets in the newsroom that remind employees to contact the Station's captioning service during emergency events and include the phone number for that service;
3. Stations should maintain a labeled speed-dial button on telephones in the newsroom with a direct connection to the Station's captioning service;
4. Stations should provide special weather text graphics to hearing impaired viewers with shelter-at-home tips during coverage of tornado, severe thunderstorm, flash flooding or other weather emergencies;
5. Stations must adopt an emergency visual presentation policy requiring that all emergency information broadcast outside a regularly scheduled newscast be accompanied by captioning if emergency information is conveyed via the station's audio. Information should include a clear text graphic or text crawl (e.g., weather-related emergencies, security evacuation details). Emergency information will include any information relating to an imminent or ongoing emergency affecting broadcast coverage area and that is intended to protect life, health, or property;
6. Stations should distribute, at least every six months, the Station's emergency visual presentation policy to all employees and incorporate this policy into the Station's annual news employee training session.

Vendors in the telecommunications industry must recognize that their customer-base includes people with disabilities and provide access to communications to these individuals as well. No longer should a cellular phone service be permitted to stage telephone-banks at federally funded shelter sites unless there is also access to TTY and Video Relay Service technology. Vendors should also seek to assist the shelter operators in stockpiling assistive technology devices to make them readily available during emergencies.

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As the communication and broadcast industry rebuild infrastructure from Hurricane Katrina they must also rebuild their policies and procedures that impact the public they serve. The problems brought to bear by Katrina illustrate the importance of establishing regulations that guarantee a robust communications infrastructure in times of duress, and equally important, a distinct plan of action for authorities to follow in case of a national emergency. Communications is a basic need of all people. ALL people should have access to information, including those with disabilities.

Thank you.