



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

**Via Electronic Submission to FCC on <https://www.fcc.gov/ecfs/>**

July 12, 2024

Jessica Rosenworcel, Chairwoman  
Debra Jordan, Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: Reply Comments of Attorneys General and New York City on Federal Communications Commission Public Safety and Homeland Security Bureau's Request for Public Comments Regarding Implementation of Multilingual Access to Wireless Emergency Alerts, PS Docket No. 15-94 and PS Docket No. 15-91 89 Fed. Reg. 41, 558 (May 13, 2024)**

Dear Chairwoman Rosenworcel and Chief Jordan:

The Attorneys General of New York, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New Jersey, Oregon, Rhode Island, Vermont, Washington, Wisconsin, (the "States") and New York City (NYC) respond herein to the comments of several stakeholders regarding the Federal Communication Commission's (the "Commission") implementation of multilingual templates for wireless emergency alerts ("WEAs"), pursuant to a request for public comments by the Commission's Public Safety and Homeland Security Bureau. *See* 89 Fed. Reg. 41,558 (May 13, 2024).

In these reply comments, the States and NYC disagree with comments from the wireless industry that question whether to move forward with the template-based multilingual system for WEAs approved by the Commission last year, and that seek to substantially delay the 30-month compliance window specified by the Commission. We also agree with the comments of the National Weather Service on various implementation details for alert templates in multiple languages.

### **Background**

One year ago, the States and NYC submitted comments to the Commission applauding its initiative to facilitate greater access to potentially life-saving WEAs

for millions of Americans who do not understand English or Spanish. In those comments, we supported the Commission’s alternative proposal to require that translated alert templates be installed on cell phones and that an alert in the language selected by the cell phone user would be activated when English-language alerts were sent, instead of requiring instantaneous machine translation that could be inaccurate and confuse the public.<sup>1</sup> We also urged the Commission to require that wireless companies support WEAs in a greater number of languages than the 13 languages initially identified by the Commission (Spanish, Chinese, Tagalog, Vietnamese, Arabic, French, Korean, Russian, Haitian Creole, German, Hindi, Portuguese, and Italian).

In a Report and Order published in the Federal Register in December 2023, the Commission directed wireless companies participating in WEAs to support “expanded multilingual alerting by enabling mobile devices to display message templates that will be pre-installed and stored on the mobile device” in the 13 languages originally identified by the Commission, together with American Sign Language (ASL).<sup>2</sup> The Commission also directed its Public Safety and Homeland Security Bureau (the “Bureau”) “to seek comment on various implementation details of the multilingual alerting requirements and future expansion to additional languages” and then to “publish an Order in the Federal Register that establishes the specific implementation parameters for template-based multilingual alerting.”<sup>3</sup> The Commission provided participating wireless companies a 30-month compliance window, running from the date when the Bureau publishes the aforementioned implementation Order after incorporating public comments.

### **Reply to Comments About Template-Based Approach to Multilingual WEAs**

CTIA, an organization representing the interests of the largest U.S. wireless companies, recently submitted comments to the Bureau questioning whether pre-scripted alert templates in multiple languages should continue to be the mechanism by which translated WEAs will be made accessible to members of the public who lack competency in English or Spanish. CTIA’s comments state: “the inherent limitations of templates, and lukewarm reception by Alert Originators to date,

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<sup>1</sup> The State of Oregon did not join this aspect of the States’ July 2023 comments to the Commission.

<sup>2</sup> 88 Fed. Reg. 86,824, 86,826 (Dec. 15, 2023).

<sup>3</sup> *Id.* at 86,824.

suggest that the expected benefits of templates may not justify the time and resources required to support them.”<sup>4</sup>

Additionally, the Alliance for Telecommunications Industry Solutions (ATIS), a telecommunications standard-setting organization, submitted comments to the Bureau expressing its view that, “given the speed at which . . . [Artificial Intelligence] technology is developing, machine translations will be much more useful to both the alerting community and to citizens receiving alerts than preinstalled templates.”<sup>5</sup>

The States and NYC disagree with these comments. There is no record that would justify the Commission’s abruptly reversing course and directing that the ongoing effort to develop appropriate templates for notifying the public of certain emergency situations be aborted in favor of reliance on Artificial Intelligence (AI)-powered machine translation. See *Motor Vehicle Mfrs. Ass’n of U.S. Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983) (reasoning that “an agency rule would be arbitrary and capricious if the agency has . . . offered an explanation for its decision that runs counter to the evidence before the agency”).

In its Report and Order published in December 2023, the Commission carefully considered the relative advantages and disadvantages of adopting a template-based system of multilingual WEAs versus a system based on machine translation. In that Order, the Commission expressly declined to proceed with implementation of multilingual WEAs “using machine translation at this time” and found that “the record demonstrates that machine translation is not yet ripe for use today in WEA.”<sup>6</sup>

The States and NYC remain concerned that machine translation of alerts, if not verified by native speakers of a language, present a serious risk of conveying inaccurate information to the public, potentially causing confusion, panic, and increased risks to public safety. For this reason, the States and NYC believe that machine-based translation—including the use of AI—should be studied further and potentially be utilized by alert originators and/or the Commission to develop initial drafts of multilingual templates for review by accredited native speakers. However, at this time, machine-based translation should not form the basis for further

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<sup>4</sup> Comments of CTIA dated June 12, 2024, at page 8, available at, <https://www.fcc.gov/ecfs/search/search-filings/filing/1061265154796>.

<sup>5</sup> Comments of ATIS dated June 12, 2024, at page i, available at, <https://www.fcc.gov/ecfs/search/search-filings/filing/10612040610466>.

<sup>6</sup> 88 Fed. Reg. at 86,825, 86,836.

Commission rulemaking on expansion of multilingual alerts to over a dozen additional languages and ASL.

Indeed, the National Weather Service (NWS)—the primary federal alert originator for all weather-related WEAs, which comprise a substantial share of all WEAs—has recently submitted comments to the Bureau clarifying that NWS is also proceeding with the template-based approach for nearly a dozen languages. The NWS comments<sup>7</sup> explain that it is developing templated translations for all relevant NWS alert types in the following languages (listed below in alphabetical order), based on NWS' use of U.S. Census Bureau data to identify languages with a ratio of speakers with Limited English Proficiency (LEP) to total speakers that exceeds 35%:

1. Arabic
2. Chinese (written Simplified Chinese)
3. French
4. Haitian Kreyol/Creole
5. Korean
6. Portuguese
7. Russian
8. Somali
9. Spanish
10. Vietnamese

Additionally, the Bureau's request for comments on implementation of multilingual WEAs attached an appendix containing proposed templates in 13 languages for various alerting events, primarily extreme weather events.<sup>8</sup>

With substantial progress already being made by the Commission and the NWS on a template-based system for expanding multilingual WEAs, the States and NYC disagree with CTIA and ATIS that those diligent efforts should be abandoned in favor of unvetted AI-powered machine translation.

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<sup>7</sup> Comments of NOAA/National Weather Service dated June 12, 2024, page 4, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/10613149697659>.

<sup>8</sup> It will be important for the Commission and NWS to continue close collaboration to ensure that the weather-related multilingual templates maintained by the Commission are fully vetted and approved by the NWS, which is the federal agency most expert in crafting weather-related alerts.

### **Reply to Comments Urging Extended Timeframe to Implement Template-Based Multilingual WEAs**

CTIA’s comments also urge the Bureau to further extend the time for compliance beyond the 30-month window provided in the Commission’s 2023 Order. The CTIA wrote: “[i]mplementation of the initial template functionality alone will require significantly more time and resources than estimated in the Public Notice” and that “[t]hirty months is not sufficient to support the static templates proposed by the Commission.”<sup>9</sup> CTIA contends that “[s]upport for static pre-installed templates will require development and specification work that is like the work ATIS evaluated to support infographics and other prior WEA proposals,” for which ATIS determined that 36 to 54 months would be required for implementation “after all details required for the design phase have been addressed.”<sup>10</sup>

The States and NYC disagree with CTIA that the 30-month compliance timeframe—which may not formally commence for at least several more months while the Commission and the Bureau are evaluating public comments—should be extended by as long as two years.

In its 2023 Order, the Commission wrote that it “believes that 30 months is reasonable to implement the templates for the 13 languages, as well as English and ASL.”<sup>11</sup> In setting this compliance timeframe, the Commission observed that “alert templates and the extraction of pre-loaded content on a mobile device to display an alert” are “functionalities that are already in use today.”<sup>12</sup> The Commission then recognized “that additional work is necessary to combine these functionalities to support multilingual WEA templates and that implementation of this requirement will require updates to standards, design development, and deployment efforts.”<sup>13</sup>

The States and NYC believe that all agencies and stakeholders involved in delivery of WEAs to the public—including the Commission, FEMA, alert originators, the wireless industry and relevant standard-setting organizations like ATIS—should prioritize making template-based multilingual WEAs a reality for the public as soon as is technologically possible, and ideally ahead of the generous 30-month compliance window the Commission approved last year.

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<sup>9</sup> Comments of CTIA dated June 12, 2024, at page 3, available at, <https://www.fcc.gov/ecfs/search/search-filings/filing/1061265154796>.

<sup>10</sup> Id.

<sup>11</sup> 88 Fed. Reg. at 86,826.

<sup>12</sup> Id.

<sup>13</sup> Id.

The impacts of climate change have contributed to increasing rates of extreme weather events, which makes the availability of WEAs more critical than ever. According to EPA, “extreme weather events such as heat waves and large storms are likely to become more frequent or more intense with human-induced climate change”<sup>14</sup>—a reality made all too familiar by record-setting heat waves and other extreme weather events of the last two summers. Emergency alerts about extreme weather events, natural disasters and other public hazards are vital to the safety and well-being of our residents, including those whose primary language is not English. Indeed, as climate change worsens, its impacts fall disproportionately on vulnerable populations and communities with environmental justice concerns.<sup>15</sup> We therefore regard the expansion of accessibility to WEAs as a key tool for advancing environmental justice. Undue delay in this critical effort, if caused by industry sluggishness, would be counter to the interests of our States’ and NYC’s vulnerable communities and the interest of environmental justice.

Importantly, the Bureau itself lacks authority to change the compliance timeframe specified in the binding Order adopted unanimously by the Commission at the end of 2023 and duly published in the Federal Register. Questions about the implementation details for activating, maintaining and updating templates on mobile devices are issues for the Bureau and stakeholders to work through in close collaboration. But the recent comments of CTIA and ATIS cannot be grounds for the Commission to further delay an already drawn-out implementation timeline. In light of the high stakes inherent in making WEAs more accessible to our residents, we strongly urge the Commission to adhere to the original 30-month compliance timeframe, running from the publication of an Order with implementation details spelled out by the Bureau.

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<sup>14</sup> <https://www.epa.gov/climate-indicators/weather-climate>

<sup>15</sup> See *Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts*. U.S. Environmental Protection Agency, EPA 430-R-21-003 (Sept. 2021), [https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability\\_september-2021\\_508.pdf](https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf). EPA defines environmental justice as “fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to development, implementation, and enforcement of environmental laws, regulations and policies.” EPA, EPA-300-B-1-6004, *EJ 2020 Action Agenda: The U.S. EPA’s Environmental Justice Strategic Plan for 2016-2020*, at 1 (Oct. 2016).

**The States and NYC Generally Support the Comments  
of the National Weather Service to the Commission’s  
Public Safety and Homeland Security Bureau**

The States and NYC appreciate the June 12, 2024 comments of NWS on the Bureau’s request for comments on implementation of multilingual WEAs, and generally agree with those comments.<sup>16</sup>

In particular, the States and NYC agree with the following NWS comments:

- Because “[t]here are nuanced differences between simplified and traditional Chinese characters,” it follows that “the best approach” is for the Commission to require that wireless companies participating in WEAs “support simplified Chinese and traditional Chinese characters.”<sup>17</sup>
- The “non-English version of the alert [i.e., the appropriate alert template saved on the user’s device] should be presented first and accompanied by the English-language version.”<sup>18</sup> We agree with NWS that “inclusion of the English language version [of an alert] could help eliminate confusion if the translated version were to otherwise be taken out of context.”<sup>19</sup>
- As NWS states, “WEA templates should be fillable alert templates.”<sup>20</sup> This means that to the extent possible, alert originators should be adding event-specific information such as the Sending Agency, the Affected Area, and, in appropriate circumstances and in the judgment of the alert originator for a given event, the expected Expiration Time for the alert.

Finally, the States and NYC reiterate the importance of evaluating additional languages for inclusion into appropriate templates for WEAs, a point more fully made in our July 2023 comments to the Commission. The Commission should, no less frequently than every three years, undertake notice and public comment rulemaking to add additional languages based on the most recently available American Community Survey data on spoken languages and LEP rates. The Commission’s current list of 13 languages is based on 2019 American Community Survey data that does not reflect U.S. immigration trends in recent

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<sup>16</sup> Comments of NOAA/National Weather Service dated June 12, 2024, available at <https://www.fcc.gov/ecfs/search/search-filings/filing/10613149697659>.

<sup>17</sup> *Id.* at 1.

<sup>18</sup> *Id.* at 2

<sup>19</sup> *Id.* at 2.

<sup>20</sup> *Id.* at 2.

years.<sup>21</sup> By periodically incorporating evolving data and public input on language and LEP trends into the regulations on WEAs, the Commission can continue to make WEAs more accessible to our nation's newer immigrant communities.

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We thank the Commission and its Public Safety and Homeland Security Bureau for advancing this critical initiative to make life-saving cell phone alerts through WEAs more accessible to millions of residents in our States, in New York City, and nationwide who have limited English proficiency, and for the Bureau's consideration of these comments. We welcome continued engagement with the Commission and its partners on this profoundly important rulemaking.

Sincerely,

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<sup>21</sup> See FCC, Further Notice of Proposed Rulemaking, (Adopted Apr. 20, 2023), <https://docs.fcc.gov/public/attachments/FCC-23-30A1.pdf>, para. 13 n.47, citing Sandy Dietrich and Erik Hernandez, U.S. Census Bureau, *Language Use in the United States*: 2019, pp. 8, 14-15 (2022), <https://www.census.gov/content/dam/Census/library/publications/2022/acs/acs-50.pdf>.



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