

Date of Hearing: June 28, 2018

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

SB 833 (McGuire) – As Amended June 21, 2018

SENATE VOTE: 39-0

SUBJECT: Emergency alerts: evacuation orders: operators

SUMMARY: Provides state-wide standardization for the issuance of emergency alerts. Specifically, **this bill:**

- 1) Requires the Governor's Office of Emergency Services (Cal OES), on or before July 1, 2019, to ensure that each emergency management office within a county or city and county is a registered federal Integrated Public Alert and Warning System (IPAWS) and WEA operator.
- 2) Requires Cal OES, on or before July 1, 2019, to ensure that each emergency management office within a county or city and county has functional, up-to-date IPAWS software or state-sanctioned equivalent software along with suitable equipment needed to operate the WEA system or state-sanctioned equivalent emergency alert software.
- 3) Provides that the personnel of each emergency management office that are trained on the IPAWS and WEA system receive training in WEA equipment and software operation at least once each year.
- 4) Requires all notification and the communication of protective actions shall be conveyed broadly or to a targeted population based on the conditions and risk assessment of the responsible local government. Options for notification include but not limited to, local digital signs, radio, television, focused text, automated emergency notification systems, or other technologies in addition to the federal WEA system, if authorized under conditions permitted by the federal government.
- 5) Requires local government agency or state agency that uses the federal WEA system to alert a specified area of an evacuation order shall use terminology developed by Cal OES.
- 6) Requires that when the emergency management office uses the federal WEA system, the office shall also send an equivalent alert to all landline phones within that specified area.
- 7) Requires Cal OES, on or before January 1, 2019, to establish the following guidelines and best practices for public alerts and warnings and the use of mass notification systems:
 - a) Guidelines and protocols for when and how the alerts should be sent.
 - b) Guidelines for sending alerts to cell phones and landline phones.
 - c) Procedures for verifying, initiating, modifying, and canceling alerts.
 - d) Guidelines for the technical capabilities of an alert system.

- e) Guidelines for the technical capabilities the WEA and EAS functions within an alert system, pursuant to current Federal Emergency Management Agency and Federal Communications Commission regulations.
 - f) Guidelines for the technical capability that provides for the priority transmission of alerts, where technically feasible, by the non-WEA and EAS functions of an alert system.
 - g) Guidelines for other capabilities of the non-WEA functions of an alert system.
 - h) Guidelines for equipment and technologies used by the non-WEA and EAS functions of an alert system.
 - i) Cost estimates for technology purchasing.
- 8) Provides that, upon appropriation by the Legislature, a local emergency management office shall implement the provisions of this bill.
- 9) Provides that state and local government agencies may also receive in-kind contributions or donations from the private sector, or grant funds from the federal government, for these purposes.
- 10) Makes legislative findings and declarations pertaining to the Northern California firestorm of 2017 and the Southern California wildfires of December 2017.

EXISTING LAW:

- 1) Establishes Cal OES in the office of the Governor and provides that Cal OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.
- 2) Specifies those events constituting a state or local emergency and provides for specified activities in preparation for, or response to, those events.
- 3) Provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others.
- 4) Requires the Department of the California Highway Patrol (CHP) to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the bill: According to the author, "The size and scope of wildland fire events in California are only getting worse, and the Golden State is facing a new normal when it comes to these fire events. 2017 was an unprecedented year for wildland fire events in California; the North Bay Area Firestorm is ranked as the most destructive and deadly in American history with 44 lives lost and some residents still missing. Last year also saw the largest wildland fire in our state's history with the Thomas Fire in Southern California and the mudslides that followed, tragically killing at least 21 residents."

Further, the author states that “while it may be impossible to stop the new reality California faces with these unprecedented natural disasters, the statewide protocols for emergency alerts created by SB 833 will save lives. California must upgrade from 20th century technology and invest in tools that will help tackle 21st century challenges that threaten the safety of our communities.”

Wildfires: California’s 2017 wildfire season will go down as one of the worst in the state’s history. From January 1, 2017, through December 31, 2017, over 9,000 fires burned more than 1.2 million acres, an increase from the previous year which brought 6,986 fires burning around 564,000 acres, according to Cal Fire. The total acreage in 2017 included nearly 300,000 acres burned solely by the Thomas Fire, which grew to the largest wildfire in state history in late December.

The Thomas Fire lasted over 40 days, burning 281,620 acres. The blaze began on December 4 in Ventura County and exploded in growth due to strong Santa Ana winds. It destroyed over 1,000 structures and claimed two lives. While the Thomas Fire became the largest California wildfire in recorded history, it was also the seventh-most destructive, in terms of number of structures destroyed. However, two months prior to the Thomas Fire, a new record was set for most destructive wildfire in state history.

In October, the Tubbs Fire, which burned over 36,000 acres in the state’s wine country, destroyed 5,643 structures and claimed 22 lives in Sonoma and Napa counties. The number of structures destroyed from the Tubbs Fire alone is more than half of the 10,780 total structures lost to wildfire in 2017 statewide. The 22 deaths also make it the third deadliest wildfire on record in California. Along with the Tubbs Fire, multiple other destructive blazes damaged critical infrastructure and forced evacuations from October 8 through October 31 across seven counties.

In the aftermath of the wildfires, local and state governments have looked for ways to improve response, communication and prevention for future disasters. Communication between emergency officials (local and state) to affected constituents has been flagged as an area in need of improvement. This bill is one of several introduced this legislative session that seeks to remedy the issues that arose relating to emergency alerts.

IPAWS: Integrated Public Alert and Warning System (IPAWS) is the nation’s alert and warning infrastructure. Federal, state, local, tribal, and territorial alerting authorities can use IPAWS and integrate local systems that use Common Alerting Protocol (CAP) standards with the IPAWS infrastructure. IPAWS provides public safety officials with an effective way to alert and warn the public about serious emergencies using the EAS, WEA, the National Oceanic and Atmospheric Administration (NOAA) Weather Radio, and other public alerting systems from a single interface. IPAWS is accessed through software that meets certain system requirements. There is no cost to send messages through IPAWS, although there may be costs associated with acquiring compatible software. IPAWS is not mandatory and does not replace existing methods of alerting, but instead complements existing systems and offers new capabilities.

Today, over 50 entities (local and state government) have registered with IPAWS in California. This bill would require each emergency management office within a county or city and county to become a registered as an IPAWS and WEA operator.

Federal Emergency Alert System (EAS): EAS is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service (SDARS) providers, and direct broadcast satellite (DBS) providers to provide the communications capability to the President to address the American public during a national emergency. The system also may be used by state and local authorities to deliver WEAs, such as AMBER alerts, evacuation orders and weather information targeted to specific areas.

The Federal Communications Commission (FCC), in conjunction with Federal Emergency Management Agency (FEMA) and the National Oceanic and Atmospheric Administration's National Weather Service (NWS), implements the EAS at the federal level. The President has sole responsibility for determining when the EAS will be activated at the national level, and has delegated this authority to the director of FEMA. FEMA is responsible for implementation of the national-level activation of the EAS, tests, and exercises. The NWS develops emergency weather information to alert the public about imminent dangerous weather conditions.

Wireless Emergency Alert (WEA): Established pursuant to the federal Warning, Alert and Response Network (WARN) Act of 2008, WEA became operational in 2012. WEA is a public safety system that allows customers who own certain wireless phones and other enabled mobile devices to receive geographically-targeted, text-like messages alerting them of imminent threats to safety in their area. Wireless companies volunteer to participate in WEA, which is the result of a unique public/private partnership between the FCC, FEMA, and the wireless industry to enhance public safety.

Alerts are broadcast to coverage areas that best approximate the zone of an emergency. Mobile devices in the alert zone will receive the alert, even if they are roaming or visiting from another state. Consumers do not need to sign up for this service, and there is no fee associated with receiving alerts. The alert received by the mobile device is similar to a text message but the phone vibrates with much more force than it ordinarily would, and makes it squawk loudly, alerting the user that the message is no ordinary one.

In January, 2018, the state of Hawaii mistakenly warned the public of an imminent missile attack by issuing a false alert to televisions, radios, and wireless phones. This incident prompted the FCC to investigate and begin developing further guidelines on WEAs with stakeholders. On April 10, 2018, the FCC issued an update on improvements that are in the works for the WEA system:

- **Greater Geographic Accuracy:** When Wireless Emergency Alerts launched, participating wireless providers were generally required to send the alerts to a geographic area no larger than the county or counties affected by the emergency. As of November 2017, however, all participating wireless providers are required to transmit alerts to a geographic area that *best approximates* the area affected by the emergency, even if it is smaller than a county. In addition, beginning November 30, 2019, participating wireless providers must improve geo-targeting of alerts even further, with no more than a 1/10th of a mile overshoot from the affected area.
- **Enhanced Ease of Use:** Nationwide wireless providers are now required to support "clickable" embedded links in alerts so that you can click on a url to see a photo of a missing child, for instance. Participating small and regional wireless providers are required to support "clickable" links by May 2019.

- **More Content and Reach:** Participating wireless providers must support longer messages (expanding the maximum length from 90 to 360 characters) and Spanish-language messages by May 2019.
- **New Alerts:** The FCC has added a new alert option—called a “Blue Alert”—to the nation’s emergency alerting systems. Blue Alerts can be used by state and local authorities to notify the public of threats to law enforcement and to help apprehend dangerous suspects. Participating wireless providers may begin to transmit these alerts no later than July 18, 2019.

Cal OES: In 2009, the California Legislature merged the powers, purposes, and responsibilities of the former Cal OES with those of the Office of Homeland Security (OHS) into the newly-created California Emergency Management Agency (CalEMA). On July 1, 2013, Governor Edmund G. Brown Jr.’s Reorganization Plan #2 eliminated CalEMA and restored it to the Governor’s Office, renaming it the California Governor’s Office of Emergency Services (Cal OES), and merging it with the Office of Public Safety Communications. Today, Cal OES is responsible for overseeing and coordinating emergency preparedness, response, recovery and homeland security activities within the state.

This bill requires Cal OES to ensure that each emergency management office within a county or city and county is a registered with IPAWS and as a WEA operator. Additionally, requires Cal OES to establish standardized guidelines and best practices for public alerts and warnings and the use of mass notification systems.

Support: According to the California Fire Chiefs Association, “the recent fires in Sonoma, Napa, and Ventura County have been among the most destructive in State history. The disasters have shown that the emergency alert system needs to be improved both for residents and first responders. SB 833 will address this critical need by establishing uniform standards, coordinating state and local authorities to send out emergency alerts notifying residents of evacuation orders. The bill is one of the most important measures to come before the Legislature this season.”

In support of the bill, the League of California Cities writes, “the size, season, and scope of wildland fire events in California have been getting larger, longer, and worse in terms of the destruction and calamity they inflict in this state. With the North Bay Area Firestorm of 2017 ranked as the most destructive and deadly in American history with 44 lives lost and residents still missing, followed by the similarly destructive Thomas Fire in Southern California, the largest wildland fire in the state’s history, it has become increasingly important to provide additional training and improvements to emergency response led by state and local governments.”

Policy Discussion: This bill seeks to address a glaring problem that arose during the 2017 wildfires – communicating and alerting residents in danger. While this bill takes the initial step to create a standardized emergency alert system, it must be pointed out that these systems are reliant (specifically WEA) on infrastructure such as cell towers and power lines. In the event this infrastructure is destroyed in a disaster, the capability to reach residents through emergency alerts will be difficult and/or impossible. California must have the ability to deploy mobile, infrastructure independent, emergency communications, to ensure evacuation alerts, and first

responder communications are reestablished when communications infrastructure is inevitably destroyed. *The committee and legislature may wish to consider future legislation that ensures California has redundancies and technology in place that allow emergency alerts to go out even when infrastructure has been compromised.*

Technical Amendment: The Author will be accepting the following technical amendment in committee:

Sec. 8594.6(c) When the emergency management office within a county or city and county uses the federal WEA system to alert a specified area of an evacuation order, the emergency management office shall also send an equivalent alert to all landline phones within that **specified the evacuation** area.

Prior/Related Legislation: SB 821 (Jackson) of 2017-2018 Legislative Session. Would authorize each county, or city and county, to access the contact information of residents through the records of a public utility to enroll residents in a county-operated public emergency warning system. (Pending on Assembly Third Reading)

SB 531 (Galgiani) of 2017-2018 Legislative Session. Would revise the definition of a local emergency to include conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a district established under the Harbor and Navigation Code. (Pending on Assembly Third Reading)

SB 532 (Dodd) of 2017-2018 Legislative Session. Would add “cyberterrorism” to the list of conditions that are named in the California Emergency Services Act that may be cited to support the proclamation of a state of emergency or local emergency. (Pending in Assembly Appropriations Committee)

AB 1346 (Gray) of 2015-2016 Legislative Session. Would have required Cal OES to update the State Emergency Plan on or before January 1, 2018, and every five years thereafter. (Held on the Senate inactive file)

AB 918 (Cooley), Chapter 187, Statutes of 2013. Required Cal OES, on or before July 31, 2015, to update the State Emergency Plan to include proposed best practices for local governments and nongovernmental entities to use to mobilize and evacuate people with disabilities and others with access and functional needs during an emergency or natural disaster.

SB 1047 (Alquist), Chapter 651, Statutes of 2012. Authorized a law enforcement agency to request the California Highway Patrol to activate a “Silver Alert” if a person 65 years of age or older is missing.

SB 839 (Runner), Chapter 311, Statutes of 2010. Created the “blue alert” system to notify the public when a law enforcement officer had been attacked.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Cities-Orange County
California Ambulance Association
California Assisted Living Association
California Fire Chiefs Association
California Professional Firefighters
City of Fountain Valley
City of Glendale
City of Laguna Beach
City of Santa Rosa
City of Thousand Oaks
City of Tustin
Fire Districts Association of California
League of California Cities
Marin County Council of Mayors and Councilmembers
Mendocino County Board of Supervisors
Napa County Board of Supervisors
Optistreams
Rural County Representatives of California
Sonoma County Board of Supervisors
Southern California Edison

Opposition

None on file

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