A Report to the Washington State Legislature

In accordance with RCW 38.52.073

An ACT relating to providing public notices of public health, safety, and welfare in a language other than English; amending RCW 38.52.010 and 38.52.070; adding new sections to chapter 38.52 RCW; and creating new sections.

December 2020

Contents

Statutory Citation/Session Law for Required Report

The Washington Military Department submits the attached report to relevant committees of the Legislature to fulfill the requirements of:

RCW 38.52.580, which states:

> Beginning December 1, 2019, a state agency that provides life safety information in an emergency or disaster must provide, to the relevant committee of the legislature, a copy of its current communication plan for notifying significant population segments of such information, including the agency's point of contact. The state agency must also submit an annual report to the relevant committees of the legislature identifying those instances of emergency or disaster in the preceding year in which life safety information was provided and what public messaging strategies and means were used to notify citizens with limited English proficiency.

And RCW 38.52.073, which states:

> (1) Beginning December 1, 2019, the Washington military department emergency management division must submit a report every five years to the relevant committees of the legislature containing the status of communication plans produced under RCW 38.52.070(3)(a).

> (2) The emergency management division of the Washington military department must provide the legislature an annual report on instances of emergency or disaster in which communication of life safety information was technologically infeasible, as reported to the department pursuant to RCW 38.52.070(4). When potential technology solutions exist, the report must include recommendations and an estimate of resources required to remedy the infeasibility. The first annual report is due December 1, 2019. (p.7)

List of Contributors to Report

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Executive Summary

Goal

The goal of Chapter 312, Laws of 2017 (Emergency Notices—Limited English Proficiency Populations) is to ensure that all persons are informed of life safety information in a way they can understand. It is the intent of the Washington Military Department to fully ensure language access for life safety notifications for limited English proficiency (LEP) populations and assist local jurisdictions in the development and implementation of individual LEP communication plans.

Plans

The Washington Military Department's Emergency Management Division (EMD) created the LEP communication plan framework to help organizations and local jurisdictions understand the LEP communication plan requirements while providing them a tool to develop an effective plan.

As counties implement LEP communication plans, best practices emerge and are shared to improve awareness of successful techniques and implementation, resulting in a greater efficiency in LEP communication plan creation.

In the combined years of 2017 to 2020 within the normal Comprehensive Emergency Management Plan (CEMP) cycle, 11 counties and nine cities submitted or completed LEP communication plans. There are nine counties pending submission of LEP communication plans as of October 1, 2020.

Challenges

Challenges faced when disseminating life-safety messaging included:

1. **Message translation:** Message translation resources available to the local jurisdiction such as translation agencies, bi-lingual staff, and volunteers do not provide 24/7 availability and/or adequate turnaround time for current translation requirements.

2. **Message transmission and delivery:** Many of the resources available for message dissemination posed additional challenges for LEP communities. These challenges included, within some alert systems, a reliance upon the end-user registering to receive alerts in their preferred language and the need for community leaders to encourage people to register to receive the alerts in their preferred language. These systems would then disseminate the messages in the pre-registered languages. Otherwise, like the Integrated Public Alert & Warning System (IPAWS), if the message originator wants to disseminate translated emergency messages, they must send translated messages

individually. This creates additional steps for those sending the message and forces end users to receive several messages before getting an alert in their preferred language.

3. **Community outreach:** Cultural differences between local organizations and communities they serve have yielded limited success in outreach attempts. Inefficiency of outreach strategies, miscommunication, and barriers to gain trust led to a lack of support for the use of messaging technology and alert notifications, which lowers the number of alert notification registrations. Consequently, fewer people received alert messages. Additionally, some jurisdictions, such as cities, do not have enough information about which communities require LEP support based on population data.

Recommendations

The department recommends that efforts focus on strategies that reduce barriers to resources that are currently available. Additionally, an emphasis should be placed on training and validation of LEP communication plans in the following areas:

- **Message translation:** Establish a language bank of professionals and volunteers in order to improve the availability of translators and interpreters on a short notice. Allocate funds to compensate translators and interpreters, as well as funds to pay for testing to validate language skills of volunteers.

- **Message transmission and delivery:** Conduct webinars to increase awareness of resources available to counties and cities. Ensure that LEP communication plans and procedures are compatible with alert notification software.

Introduction

We are pleased to present this annual report and highlight efforts to enhance meaningful access to emergency notifications for those with limited English proficiency. This report reinforces the need for language access, describes the challenges faced and makes recommendations to further enhance this service.

The goal of Chapter 312, Laws of 2017 (Emergency Notices—Limited English Proficiency Populations)is to ensure all persons are informed of life safety notifications in a way they can understand during emergencies and disasters.

Thank you for your interest in and support of this vital work.

Status of Communication Plans

Local organizations/jurisdictions are required to submit to the Washington Military Department's Emergency Management Division a Comprehensive Emergency Management Plan (CEMP) once every five years to be reviewed. RCW 38.52.070(3)(a) requires that a LEP Communication Plan be included during the CEMP review:

> *Each local organization or joint local organization for emergency management that produces a local comprehensive emergency management plan must include a communication plan for notifying significant population segments of life safety information during an emergency. Local organizations and joint local organizations are encouraged to consult with affected community organizations in the development of the communication plans.*

As of October 1, 2020, 12 counties and nine cities submitted or completed LEP Communication Plans while five counties have overdue LEP plans. The remaining counties either submitted their CEMP prior to Chapter 312, Laws of 2017 enactment, have yet to develop an LEP Communication Plan, or are not required to have an LEP plan due to not meeting the population threshold that requires the development of an LEP plan. Jurisdictions with plans due for submission in 2020 and later have been suspended for an additional year given the increased response required for recent and ongoing incidents, including the COVID-19 pandemic.

The following jurisdictions have completed or submitted a communication plan to Washington Emergency Management:

Political Subdivision	Language Requirement	Next CEMP Update	LEP Plan Status
Auburn (City in King County)	City data not available on OFM	2025	Completed 2018
Bellevue (City in King County)	City data not available on OFM	2025	Completed 2018
Bellingham (City in Whatcom County)	City data not available on OFM	2024	Completed 2019
Bucoda (City in Thurston County)	City data not available on OFM	2026	Submitted 2019
Kirkland (City in King County)	City data not available on OFM	2021	Completed 2019
Marysville (City in Snohomish County)	City data not available on OFM	2021	Submitted 2019
Renton (City in King County)	City data not available on OFM	2024	Completed 2018
Sequim (City in Clallam County)	City data not available on OFM	2026	Submitted 2019
Yelm (City in Thurston County)	City data not available on OFM	2025	Submitted 2019
Chelan County	Spanish	2021	Completed 2019
Clark County	Spanish, Russian, Ukrainian, Vietnamese	2025	Completed 2019
Cowlitz County	Spanish	2025	Submitted 2019
Grays Harbor County	Spanish	2022	Completed 2019

Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
King County	30 languages	2021	Submitted 2019
Mason County	Spanish	2024	Completed 2018
Okanogan County	Spanish	2024	Completed 2018
Pacific County	Spanish	2021	Completed 2019
Pierce County	Spanish, Russian, Korean, Cambodian, Vietnamese, Tagalog, Samoan	2021	Completed 2019
Snohomish County	Spanish, Russian, Korean, Cambodian, Vietnamese, Tagalog, Arabic, Ukrainian, Chinese-Mandarin, Punjabi	2026	Completed 2019
Thurston County	Spanish and Vietnamese	2024	Submitted 2019
Yakima County	Spanish	2025	Completed 2019

The following jurisdictions have not submitted a communication plan or are still in progress as of October 1, 2020:

Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
Adams County	Spanish	2021	Overdue
Algona (City in King County)	City data not available on OFM	2021	In Progress
Benton County	Spanish	2021	In Progress
Douglas	Spanish	2026	Overdue
Franklin County	Spanish	2022	In Progress
Grant County	Spanish	2025	In Progress
Island County	Spanish	2023	Not Due for this Report Cycle
Kitsap County	Spanish	2021	Not Due for this Report Cycle

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Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
Kittitas County	Spanish	2024	Overdue
Klickitat County	Spanish	2024	Overdue
Lakewood (City in Pierce)	City data not available on OFM	2021	In Progress
Lewis County	Spanish	2023	In Progress
San Juan	Spanish	2025	In Progress
Skagit County	Spanish	2021	Overdue, In Progress
Spokane County	Spanish, Russian, Marshallese	2021	In Progress
Tacoma (City in Pierce County)	City data not available on OFM	2026	In Progress
Whatcom County	Spanish	2022	Not Due for this Report Cycle

The following jurisdictions fall below the OFM threshold to identify additional languages to be supported.

Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
Asotin County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2025	Not Applicable
Clallam County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2022	Not Applicable
Columbia County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP	2023	Not Applicable
Ferry County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2021	Not Applicable
Garfield County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2019	Not Applicable
Jefferson County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP	2024	Not Applicable
Lincoln County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2024	Not Applicable
Pend Oreille County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2023	Not Applicable
Skamania County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2021	Not Applicable
Stevens County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2024	Not Applicable
Wahkiakum County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2021	Not Applicable
Whitman County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2022	Not Applicable

Technology Infeasibility

Instances

The following are incidents in which LEP life safety messaging was required at the local jurisdiction level:

- 2017 Tsunami Watch
- 2017 Rattlesnake Ridge Landslide
- 2018 Okanogan, Ferry, Pend Oreille Counties Flooding
- 2018 December Windstorms
- 2019 Highway 243 Fire
- 2020 COVID-19
- 2020 Flooding
- 2020 Civil Unrest
- 2020 Road 11 Fire
- 2020 Anglin Fire
- 2020 North Brownstone Fire
- 2020 Palmer Fire
- 2020 Evans Canyon Fire
- 2020 Cold Springs/Pearl Hill Fire
- 2020 Babb Fire
- 2020 Number 2 Canyon Fire
- 2020 Kingsbury Fire
- 2020 Easy St Fire
- 2020 Apple Acres Fire
- 2020 Big Hollow Fire
- 2020 Beverly Burke Fire
- 2020 Palmer Fire
- 2020 Severe weather
- 2020 Water contamination
- 2020 Law enforcement incidents

Challenges Encountered

Message Translation

Translation services are currently provided by local translators for agency staff members. Counties and cities can use contract services based on the state master contract, but the contract options require a significant amount of time to utilize and are not available outside of normal business hours. This creates a problem during disasters when there is a need for emergent translations. The master contract dictates different levels of urgency which culminate to an emergency rate delivered

within four hours. Time is required to assign the project to a translator and follow organization policies on quality assurance. Many counties have found success in working with local volunteers for translations. However, the challenges with not having enough volunteers and their availability to help translate persist. The following contribute to the lack of translation services:

- Lack of funding for translation services;
- Translation services require extensive turnaround time; and
- Availability of limited bi-lingual staff/volunteers.

Message transmission and delivery

Most local jurisdictions across Washington state are equipped with an emergency notification system. However, some of these systems have a limited capability to disseminate accurate information in other languages. There are several vendors that are used within Washington state. For example, EMD uses AlertSense while the state's Department of Health contracts with Everbridge. Counties make use of these and several other vendors to fulfill their alert notification needs. Other vendors include, but are not limited to, Code Red, Hyper Reach, and Rave.

When notification systems have the capability to provide translated messages, they do it through machine translation systems such as Google or Microsoft Translator. While Google and Microsoft Translator can translate messages quickly, the accuracy of the translation is not guaranteed. Local jurisdictions and state agencies have been encouraged to use professional, human translators and interpreters to accurately communicate messages. Due to budget constraints and slow turnaround times, this option is not often feasible and limits the accuracy of life-safety notifications to LEP communities. The following are system limitations encountered during previous incidents:

- Lack of understanding and funding for the wide spectrum of capabilities for notification systems based on product or level of subscriptions that are available;
- Inability for the Integrated Public Alert & Warning System (IPAWS) and similar systems to message in different languages automatically;
- Lack of LEP community members registered with local alert systems;
- Insufficient resources to produce quality translated messages in a timely manner; and
- Training and validation of LEP plans and systems used for messaging.

Community Outreach

Engaging with different cultural communities has proven to be difficult. Outreach attempts are limited due to mistrust and miscommunication. As language access is

developed and implemented it is important that input from the limited English population is provided and trusted voices are established. Trusted voices are community champions who can liaise between local government and the LEP communities allowing trust to build. This leads to increased awareness and participation. Outreach attempts have been met with challenges due to receptiveness of outreach strategies within communities. One challenge is that methods of engagement, mode of delivery and differences in life priorities change from one community to another. Outreach to many LEP populations was usually best approached in person. The current pandemic environment has made these engagements more difficult to coordinate. Much of this year's efforts were dedicated to the response to the pandemic or other significant incidents, which reduced opportunities for in-person outreach. A lack of effective community outreach with the limited English population has led to:

- Limited registration for notification systems;
- Limited preparedness education and awareness of resources;
- Reduced capabilities for resources that are utilized; and
- Increased effort required to distribute messaging to LEP community.

Identification of the LEP population is another outreach challenge. Local organizations are required to utilize OFM LEP population estimates to identify languages meeting the five percent or 1,000-person threshold. Currently, OFM estimates are available for counties but are not for cities with CEMP planning requirements. RCW 38.52.070(3)(a) ii) defined this "significant population segment" to be each limited English proficiency language group that constitutes five percent or 1,000 residents, whichever is less, of the population or persons eligible to be served or likely to be affected within a city, town, or county." OFM's forecasting division's limited English proficiency population estimates are the demographic data set for determining eligible limited English proficiency language groups. The only current information available to local emergency managers is county level population information. The following are challenges encountered when identifying the LEP population:

- Cities must fund alternate LEP population estimate data sources to meet intent;
- Population data does not display language proficiency; and
- Depending on the data source, availability and accuracy of LEP population estimates vary.

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Technology Infeasibility Recommendations

Recommendation for Message Translation

Establish a language bank that includes language tested volunteers, bi-lingual staff, or professional translators. Utilize cloud-based translation tools to assist with translations. Cloud based resources ensure access regardless of location.

Translation tools provide resources that are created to enhance translators' output and collaboration. Tools provided include a dictionary of terms and glossaries that yield faster and more consistent messaging as more translations are done. Volunteers providing translation or interpretation assistance should have a means of displaying language proficiency and translation or interpretation skill.

Cost: The costs associated with starting a language bank include the Computer Assisted Translation (CAT) tool subscription ($2,988 per year) and the costs associated with paying for the translations, as well as training. This can range from volunteers translating for free to rates based on words translated and experience of the translator. To ensure there are capable volunteers for translation and interpretation, there should be funding to offer language tests in both interpretation ($100 each) and translation ($60 each) for up to 36 volunteers. This would cost $5,120 across the state per year to support local jurisdictions in validating language skills for volunteers.

The following recommendations will assist with access to translation services:
- Shorten turn-around time for services provided by contractors with the state's master contract for translation and interpretation services;
- Enhance LEP Communication Plans to include translation/interpretation resources;
- Conduct training to better understand how to best utilize machine translation services; and
- Develop pre-scripted messaging in target languages.

Recommendation for Message Transmission and Delivery

To establish a shared understanding of systems and capabilities, webinars on alert notification systems can be conducted for local jurisdictions. Alert notification systems could then work with local jurisdictions to train and validate LEP communication plans involving alert notification systems.

The following are additional recommendations for improving the notification systems:

- Use of community champions to increase LEP community registration;
- Develop key messaging cheat sheets to increase awareness of life-safety messaging; and

- Share scripted messaging between jurisdictions.

Recommendation for Community Outreach

Expand current OFM population estimates to include cities, starting with the cities that require the development of a CEMP. Increase collaboration with agencies and organizations that provide services to LEP communities such as food banks and community and cultural organizations.

Outreach should emphasize:

- Alert system education for LEP communities;
- Strategies for targeted outreach to LEP communities;
- Partnerships with ethnic organizations; and
- Identification of community champions.

Conclusion

Disasters throughout the past year have reinforced the need to increase the pool of available translators and interpreters to share essential information to the LEP community. Jurisdictions still need resources to train essential personnel on utilizing the framework and the systems for implementing their plan. Community leaders and organizations can help encourage people to trust and sign up for alerts so they are more prepared. As they responded to events throughout the year, several jurisdictions successfully utilized LEP plans to disseminate life-saving information to the LEP population. While there has been significant progress, there are still challenges to overcome with creating inclusive messaging.