



Hearing on
“Hawaii’s False Missile Alert: What Happened and
What Should We Do Next?”

United States Senate
Committee on Commerce, Science and Transportation

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Introduction

Good morning, Senator Schatz, Senator Hirono, Congresswomen Hanabusa and Gabbard and members of the committee. My name is Chris Leonard and I am the President of the Hawaii Association of Broadcasters (HAB). On behalf of over 100 local television and radio broadcasters across the state of Hawaii, thank you for inviting me to testify on “Hawaii’s False Missile Alert: What Happened and What Should We Do Next.” In addition to my role at HAB, I am also the President and General Manager of New West Broadcasting Corp., a locally-owned business that operates five radio stations on Hawaii Island. I also serve as a member of the State Emergency Communications Committee (SECC) a group that is tasked with updating the State’s Emergency Alert System (EAS) plan.

Hawaii’s radio and television broadcasters and broadcasters across our great nation play a vital role in emergency alerting. We are the country’s first informers and first choice for news and emergency updates. Local stations are an integral part of the communities that they serve and have proven time and again that they will not hesitate to put themselves in harm’s way to deliver critical emergency information to the public. Often times, local radio and television stations are the only available and reliable communications medium during disasters. Our transmission systems are not subject to outages due to network congestion. The robust “one-to-many” nature of our technology and the redundancy provided by multiple broadcasters who have invested heavily in equipment and generators ensure that we are uniquely situated to remain on-air and deliver critical information before, during and after natural disasters and other emergencies. The Federal Emergency Management Agency (FEMA) has noted that

there is no more reliable source of information during natural disasters than local broadcasters. Whether it's a hurricane in the Gulf of Mexico, the recent catastrophic hurricanes in Puerto Rico, Tropical Storm Iselle from a few years ago on my Island, or Category 4 Hurricane Iniki on Kauai in 1992, broadcasters are there providing crucial information to the public. We provide information to help people prepare prior to disasters, to keep safe during disasters and we help our communities recover and rebuild in the aftermath. Local broadcasters are committed to help the public and were committed to help on January 13, 2018.

What happened on January 13th

On January 13th at approximately 8:07am, the Hawaii Emergency Management Agency issued an EAS and Wireless Emergency Alert (WEA) alert using a Civil Danger Warning header. That alert automatically triggered wireless phone alerts and EAS broadcast alerts on radio and television stations across the state of Hawaii. The EAS messages were broadcast on New West Broadcasting's five stations immediately after they were received, as they were on most radio and television stations across the state.

I raced out of my house immediately. As I was heading to my studios, I heard the EAS message broadcast on my stations in Hilo that said:

"The U.S. Pacific Command has detected a missile threat to Hawaii. A missile may impact on land or sea within minutes...THIS IS NOT A DRILL. If you are indoors, stay indoors, if you are outdoors, seek immediate shelter in a building... If you are driving, pull safely to the side of the road and seek shelter in a building or lay on the floor. We will announce when the threat has ended...."

Cars were literally pulling off the road ahead of me as the message played. I made it to my studio in 7 minutes and immediately started fielding phone calls from panicked and confused listeners.

I, like many people, wanted to think that the warning couldn't be true, but the message was clear that "THIS IS NOT A DRILL." It was not subject to my interpretation. Our stations received this message on a dedicated phone circuit that was installed by Hawaii's Civil Defense Agency. We also received copies of the message via FEMA's Integrated Public Alert & Warning System (IPAWS) Common Alerting Protocol server. The EAS system was built to allow emergency managers immediate access to radio and television stations in times of national emergencies, precisely because of the resiliency and reach of broadcasting. Broadcasters are required by federal law to participate in the EAS program and are required to auto-forward an Emergency Action Notification to all stations. Broadcaster participation in EAS for state and local messages is voluntary; however, almost every radio and television station in the state of Hawaii and around the country see it as their duty to participate in state and local emergency alerting in accordance with their state plans. The alert on January 13th was issued by the state and as such is considered a "state level" alert that was not required to be rebroadcast but was carried by the majority of radio and television stations across the state.

As a community member I was troubled by the January 13th issuance of the false missile alert and the level of responsiveness to correct it post-issuance. As a broadcaster, I was and remain concerned about the procedural aspects of the issues that we faced on that day. The federal, state and local government along with various

stakeholders (radio and television stations, wireless providers) have procedures in place that need to be followed. Broadcasters provide voluntary access to our airwaves to state and local emergency managers in times of emergency. We run monthly emergency management tests in compliance with federal law and on a voluntary basis with the state. These tests instruct the public to “tune in to this station for more information.” Broadcasters take this responsibility and obligation seriously.

For a threat of this level, we voluntarily provide direct access to our air chain. Emergency management officials can click a mouse and immediately be on-air on all of our stations. At the most basic level, broadcasters need to know that emergency messages have been thoroughly vetted and authenticated before they are sent to us and emergency managers need to have confidence that broadcasters will disseminate those messages in accordance with the state EAS plan. The same technology and systems that allowed emergency managers to push out a false warning immediately on-air through our stations would have also allowed them to push out another message saying it was a mistake. According to the after-action reports, emergency managers knew that the alert was a mistake almost immediately after sending it. It took 13 minutes to acknowledge the mistake on Twitter and --- what I found extraordinarily upsetting --- it took approximately another 25 minutes before that message was sent to broadcasters to share with the nearly 1.43 million residents of the state of Hawaii via broadcast radio and television. We have been telling the public for decades to tune-in to radio and television in times of emergencies and they have been conditioned to rely on that system.

Where do we go from here?

Make no mistake about it, the EAS system and its underlying technology worked as intended on January 13th in alerting the public; however, it was human procedure and implementation that failed. Broadcasters distributed the missile alert messages and, in many cases, informed audiences of the error in much less time than the 38 minutes that it took for a second EAS alert to be issued by emergency management officials. I have referenced several times in this testimony the state EAS plan.

According to 47 CFR 11.21, “EAS plans contain guidelines which must be followed by EAS participants personnel, emergency officials, and National Weather Service [NWS] personnel to activate the EAS....” The state plans also “contain procedures for State emergency management and other State officials, the NWS, and EAS participants personnel to transmit emergency information to the public during a state emergency using the EAS.... The State plans must include specific information describing how such messages will be aggregated and distributed to EAS Participants within the state....” The plans must be reviewed and approved by the Chief, Public Safety and Homeland Security Bureau prior to implementation to ensure that they are consistent with national plans, Federal Communications Commission (FCC) regulations and EAS operation.

Currently our state’s EAS plan is out of date and is need of a significant rewrite to address the changes in technology and distribution methods that have happened since the plan’s last update in 2006. The SECC is tasked with the responsibility to rewrite this plan. The committee has met twice since January 13th and a rewrite of the plan is being worked on. The new state plan needs to thoroughly address the procedural errors that

occurred on January 13th and address the shortfalls of the existing plan. It needs to clearly define the roles and responsibilities of all EAS participants. It needs to provide redundant communication paths to EAS participants and the public, both for EAS alerts and ideally for longer form emergency information as available. It must also address rapid-response issues and the ability to replay a message as needed. On January 13th the message played on radio and television stations across the state immediately after emergency management officials issued the alert. However for members of the public that didn't hear the initial broadcasts, they had no way of knowing of the existence of the alerts. Emergency managers need to be able to have messages repeated on an automated basis as the situation dictates, either by updated procedures in the state EAS plan or upgrades to the technology. It is also imperative that local jurisdictions have the ability to activate EAS through the "daisy-chain system" from each local warning point whether they have connectivity to FEMA's IPAWS servers or not. It is not a question of if, but when local jurisdictions will be cut off from network connectivity. Our state needs to have a plan to address this critical scenario for public safety.

Conclusion

We have spent many years training the public about where to tune-in during times of emergency. On January 13th, broadcasters fulfilled their duty and successfully transmitted the EAS message as intended. Unfortunately, broadcasters did not receive official corrective information from emergency managers in a timely manner. As a result, many of the state's 1.4 million people were scared and confused for approximately 38 minutes with little information available to them. Broadcasters were left scrambling to try to figure out what was happening and to inform the public. The

EAS technology worked to issue the first warning, however additional procedures were not in place to properly authenticate the warning nor to address the issuance of a false alert. The public deserves better. Although mistakes happen, proper procedures and implementation help prevent them and there should be plans on how to address them when they happen. We must update and improve our state EAS plan to fix many of the issues that we faced here in Hawaii on January 13th. While the false missile warning happened in Hawaii, it presents an issue with national implications. We may face different disasters in different parts of the country, however the common thread is that emergency managers and broadcasters have a duty to inform the public in times of emergencies. Broadcasters are committed to work with all stakeholders to evaluate and greatly improve our public safety communications here in Hawaii and across the nation. Thank you very much for your time. I am prepared to answer any questions that you may have.