



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

**Before the  
Federal Communications Commission  
Washington, DC**

**CCD Statement to FCC Hurricane Katrina Independent Panel**

April 13, 2006

The Co-Chairs of the Consortium for Citizens with Disabilities Task Force on Emergency Preparedness and Disaster Relief are pleased to have this opportunity to submit comments to the FCC Independent Panel Reviewing the Impact of Hurricane Katrina (Katrina Panel) on the telecommunications and media infrastructure in the areas affected by the Hurricane.

The Consortium for Citizens with Disabilities (CCD) is a coalition of 105 national disability organizations with expertise in disability policy, advocacy, and service delivery.

**People with Disabilities Depend on Emergency Information**

Statements provided at the public hearings thus far have focused on the effectiveness of the recovery effort with respect to the communications infrastructure, damage and recovery, and related effect on emergency operations. We remind the Katrina Panel and the Commission that communications technology, damage to its infrastructure, and restoration are as vital the lives of people with disabilities as they are to police, firefighters, and emergency medical personnel. In the hard hit areas residents who were not disabled could, at least, look at the damage and attempt to assess what they had to do to survive. People with disabilities, separated from families, caregivers, and health and rehabilitation professionals had no such independent means to move about to accomplish those tasks. Those who were successfully evacuated were sometimes unaware of their new locations or often did not understand what had happened to them or what they were supposed to do next.

For people with disabilities, access to usable communications services and access to usable communications equipment is not just an important safety backup, it is often the only available means to make an independent assessment for safety, understand the severity of the emergency, and, hopefully, to take appropriate action. Unfortunately, even when accessible communications technology was available before the disaster, captioned news being one example, that technology was redeployed on a very spotty basis when networks were re-established thus depriving access to important emergency information to individuals who are deaf or hard of hearing. Shelter based cell phone banks had operating menus which were not accessible to individuals who are

blind or vision-impaired. Individuals with significant speech disabilities, if they were lucky enough to be able to evacuate with their assistive technology, were usually unable to get the assistance needed to make the equipment operate with temporary phone installations.

### **The Number of People with Disabilities Affected by the Storm**

Persons with disabilities constitute a very significant portion of the population in the areas affected by Katrina. The National Organization Disability's recent report on the Katrina disasters states that:

The Census 2000 shows 23.2 percent of New Orleans residents as disabled, a total of about one-sixth above the national average. Nearby hard-hit St Bernard Parish has almost the same population with 23.4 percent of its citizens having a disability. Prosperous Jefferson Parish has a disability population of 21 percent, almost ten percent in excess of the national average. Little difference can be found in Mississippi. Hancock and Jackson, the two counties that hug the Gulf Coast and absorbed Katrina's worst blows have a disability rate of 27.1 and 21.3 percent respectively<sup>1</sup>

By any standard, this is a large group of people who were substantially impacted by Katrina and the resulting communications infrastructure breakdowns. The mission of the "Katrina Panel" to make recommendations to the Commission regarding ways to improve preparedness, network reliability, and communications among first responders is central to the future survivability of people with disabilities who depend on timely and reliable information in accessible and usable formats delivered over this system. The emergency communications system's ability to delivery timely and authoritative information regarding the needs of persons with disabilities to emergency responders is also critical. The Katrina experience showed that the emergency first responders were often the service providers who provided critical initial decisions that determined the path taken to recovery by persons with disabilities.

### **Restoration Issues**

The Katrina Panel's first two public hearings provided compelling testimony regarding the damage management and infrastructure rebuilding efforts undertaken by telecommunications service providers and equipment manufacturers. Massive losses were sustained and critical restoration issues had to be made in very dangerous situations. Clearly major improvements must be made which will allow the rebuilding of systems with attention to the sustained effort necessary to provide reliable and authoritative emergency information during the immediate aftermath of such disasters as well as through the long recovery period. Communications restoration is of critical importance to all citizens. However, restoration plans have usually not included telecommunication services and equipment that are accessible to and usable by people with disabilities or with little attention to provision of emergency information in understandable formats.

Breakdown of critical communications links and lack of attention to the needs of people with disabilities during the restoration of communications places these citizens in further jeopardy. Many were turned away from shelters, had lost contact with service animals, were unable to

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<sup>1</sup> Report on Special Needs Assessment for Katrina Evacuees (SNAKE) Project, National Organization on Disability, Part I

evacuate with or return to retrieve assistive technology, and had lost important records of medications as well as plans that had been established for their education and job training. In addition, they were often separated from support groups of families, friends, and personal assistants. Without this link, they had to depend on their ability to independently access and use telephones or listen to or see critical emergency information, almost none of which were being delivered by equipment that could be accessed or broadcast in formats that could be understood.

We commend the efforts of volunteers including people with disabilities as well as relief agencies, first responders and communications workers. They helped bridge this gap. However, an important lesson learned is that all of these people and agencies were also hard pressed. They too were separated from family and friends and had lost or suffered significant damage to critical supplies. Volunteers cannot be called upon to fill virtually all these needs, especially when they cannot, by their own efforts, replace wide spread damage to communications networks.

### **Regulators Need a New Paradigm for Service Restoration**

We strongly believe that the lessons of Katrina make a compelling case for a thorough review of the coordination of emergency information prior to, during, and after a disaster. It will not be enough to determine a ranking order for restoration of services or even to provide an authority for over all management of service restoration. Such approaches may be needed and could provide at least an incremental improvement. However, the record of comments by Katrina Panel members and testimony taken at the first public hearing in Jackson, Mississippi provide compelling evidence that effective management of emergency communications will depend on new approaches. The current regulation of the telecommunications system lacks a primary emphasis on emergency information. Provision of emergency information is a secondary role pasted on to a regulatory system not well suited to that purpose.

Nowhere is this situation more apparent than the three sets of Commission rules covering provision of emergency information to individuals with sensory impairments. The oldest rule promulgated in 1978 covers television broadcasts only (47 CFR 73.1250 (h)) and requires emergency information to be transmitted both aurally and visually. Emergency Alert System (EAS) rules extend that to both broadcast and cable and can supersede broadcasting rules when necessary and cover information needed to protect life and property. The FCC's Part 79 emergency accessibility rules specifically require that information about the critical details of an emergency be made accessible including information on how to respond to the emergency, evacuation orders, shelters, road closings and securing assistance. The current EAS rule lacks this specificity. However, if the emergency information is not part of a regularly schedule broadcast or which interrupts regular programming it need only be accompanied by an aural tone. Certainly this is not accessible to people who are deaf and there is no provision requiring people who are blind about what to do when they hear the tone.

We urge the Commission to reconcile these inconsistent emergency rules. We cite them as examples of how emergency information requirements are almost always treated as secondary rules fitted to an overall communications regulatory system designed to regulate entities that do not have the provision of emergency information as a primary goal.

## Specific New Steps Needed

- Establish a new Report and Order on the Emergency Alert System. In August of 2004, the Commission asked for comments on the suitability of the Emergency Alert System (EAS) and has closed the public comment period. This Notice of Inquiry (EB Docket No. 04-296) posed a series of thoughtful questions on the relevance of this system to the new needs for emergency information. It is time for the Commission to act on the recommendations provided by the public.
- Incorporate the Common Alerting Protocol (CAP) into the emergency regulatory structure. CAP is uniquely structured to incorporate the needs of persons with disabilities for information delivered in usable formats and through multiple accessible communications devices in all available information channels. Standards currently under development by the Organization for the Advancement of Structured Information Standards, an international non-profit standards setting consortium, can provide the flexibility needed to accomplish this task.
- The Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) and networks of first responders should make an ongoing long term commitment and continual reevaluation of provision of emergency information in accessible formats.
- The data set of the National Emergency Resource Registry (NERR), part of the Homeland Security Information Network, should be revised to appropriately reflect the array of assistive technologies utilized by people with disabilities. The NERR should be fully accessible and available to emergency planners involved in the reconstruction of communications networks.
- Planning for and addressing the needs of people with disabilities in emergency situations should occur as part of the umbrella planning process for restoration of communications services and should not be addressed as a separate, parallel issue. It is critical that a range of people with disabilities be involved, including those with sensory, physical, mental, and cognitive disabilities.

CCD makes these recommendations with the intent of assuring that people with disabilities are able to obtain, understand, and use emergency information on an equitable basis with those who do not have disabilities.

Respectfully Submitted,

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