



A Report to the Washington State
Legislature

In accordance with Engrossed
Substitute Senate Bill 5046

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.

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Publication and Contact Information

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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:

SSB 5046 (2017) states:

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 to read as follows: 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.

NEW SECTION. Sec. 5. A new section is added to chapter 38.52 to read as follows:

(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 SSB 5046 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 2019 within the normal Comprehensive Emergency Management Plan (CEMP) cycle, five counties have submitted LEP communication plans. There are nine counties pending submission of LEP communication plans as of September 1, 2019.

Challenges

Current resources for translation services and the limited ability to send translated notifications poses several challenges, to include:

1. **Message translation:** Message translation resources available to the department do not provide 24/7 support and/or adequate turnaround time for current translation requirements.
2. **Message transmission and delivery:** Once a message is translated, methods to send the notification message are not always timely or effective. For instance, if the originator of the Integrated Public Alert & Warning System (IPAWS) 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. The IPAWS system does not require pre-registration, in contrast the other alert notification systems (Everbridge, AlertSense etc.) do require pre-registration to receive messages.

These systems (Everbridge, AlertSense etc.) can support different languages and provide an entry field for messages to be translated in multiple languages. Most of these notification systems have an integrated machine translation tool to provide this translation. The single message is then received by individuals who have registered with the alert notification system per their pre-selected language preference, but they will not receive a message if they didn't pre-register.

3. Cultural communication challenges: Cultural differences between local organizations and communities they serve limit the success of outreach attempts. Efficiency of outreach strategies, miscommunication and barriers to gain trust are related 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 receive alert messages.

Recommendations

The department recommends that efforts are focused on strategies that reduce translation time while increasing collaboration across jurisdictions, so materials are readily available to all emergency response organizations.

The development and sharing of approved, pre-scripted and translated messages will lower the need to rely on outside translation providers during an emergency. If translation is required, establishing a language bank as a translation resource will reduce translation service needs and turn-around time, especially when providing 24/7 support. As translated messages and resources are generated, effective sharing prevents duplication of effort and spending.

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 first report reinforces the need for language access, describes the challenges faced and makes recommendations to further enhance this service.

The goal of SSB 5046 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.

Communications Plans Status

RCW 38.52.070 (3) (a) states:

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.

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. SSB 5046 now requires that an LEP Communication Plan be included during the CEMP review.

As of September 1, 2019, five counties have submitted LEP communication plans while nine are in the process of completing LEP plans. The remaining counties either submitted their CEMP prior to SSB 5046 enactment, have yet to develop a LEP communication plan or are not required to have a LEP plan due to not meeting the population threshold that requires the development of an LEP plan.

The following jurisdictions have submitted their communications plan to Washington Emergency Management:

Political Subdivision	Language Requirement	Next CEMP Update	LEP Plan Status
Bellevue (City in King County)	City data not available on OFM	2023	Submitted, 2018
Okanogan County	Spanish	2023	Submitted, 2018
Renton (City in King County)	City data not available on OFM	2023	Submitted, 2018
Auburn (City in King County)	City data not available on OFM	2023	Submitted, 2018
King County	30 languages	2024	Submitted, 2019
Thurston County	Spanish and Vietnamese	2024	Submitted, 2019
Yakima County	Spanish	2024	Submitted, 2019
Chelan County	Spanish	2024	Submitted, 2019

The following jurisdictions have not submitted their communications plan as of September 1, 2019:

Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
Adams County	Spanish	2017	Overdue
Walla Walla County	Spanish	2017	In Progress
Cowlitz County	Spanish	2018	In Progress
Douglas County	Spanish	2018	Overdue
Grant County	Spanish	2018	In Progress
Kittitas County	Spanish	2018	Overdue
Klickitat County	Spanish	2018	Overdue

Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
Mason County	Spanish	2018	In Progress
Clark County	Spanish, Russian, Ukrainian, Vietnamese	2019	In Progress
Garfield County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2019	Not Applicable
Pierce County	Spanish, Russian, Korean, Cambodian, Vietnamese, Tagalog, Samoan	2019	In Progress
San Juan County	Spanish	2019	In Progress
Skagit County	Spanish	2019	In Progress
Snohomish County	Spanish, Russian, Korean, Cambodian, Vietnamese, Tagalog, Arabic, Ukrainian, Chinese-Mandarin, Punjabi	2019	In Progress
Benton County	Spanish	2020	Not Due for this Report Cycle
Ferry County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2020	Not Applicable
Kitsap County	Spanish	2020	Not Due for this Report Cycle
Pacific County	Spanish	2020	Not Due for this Report Cycle
Spokane County	Spanish, Russian, Marshallese	2020	Not Due for this Report Cycle
Wahkiakum County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2020	Not Applicable
Franklin County	Spanish	2021	Not Due for this Report Cycle
Grays Harbor County	Spanish	2021	Not Due for this Report Cycle
Skamania County	Spanish	2021	Not Due for this Report Cycle

Political Subdivision	Language Requirement	LEP Plan Due	LEP Plan Status
Whatcom County	Spanish	2021	Not Due for this Report Cycle
Whitman County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2021	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 communication plan.	2022	Not Applicable
Island County	Spanish	2022	Not Due for this Report Cycle
Lewis County	Spanish	2022	Not Due for this Report Cycle
Pend Oreille County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2022	Not Applicable
Jefferson County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2023	Not Applicable
Lincoln County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2023	Not Applicable
Stevens County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2023	Not Applicable
Asotin County	Does not meet 5 percent or 1,000 LEP population criteria for an LEP communication plan.	2024	Not Applicable

Technology Infeasibility

Instances

The following are cases 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

Challenges Encountered in Each of the Above Incidents

Notification System Limitations

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, the Washington Emergency Management Division 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 translate. While Google and Microsoft can translate messages quickly, the accuracy of the translation is not guaranteed. Given that, local jurisdictions and state agencies have been encouraged to use translation companies to accurately translate messages. Due to budget constraints and slow turnaround times, these services aren't being used to their full potential, which limits local emergency managers from sending accurately translated life-safety notifications to LEP communities. Therefore, 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 IPAWS systems to message in different languages
- Character limitations (90) impact on languages with a higher word density
- Lack of LEP community members signed into Alert Systems
- Insufficient resources to produce quality translated messages in a timely manner

Lack of Access to Translation Services

Translation services are currently provided by local translators and agencies or based on the master contract. Current written translation options require significant amounts of time to utilize and are **not available outside of normal business hours**. The master contract dictates different levels of urgency which culminate to an emergency rate delivered within 4 hours. Time is required to assign the project to a translator and follow organization policies on quality assurance. The following contribute to the lack of translation services:

- Lack of funding for translation services
- Translation services require extensive turnaround time

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 liaison between local government and the LEP communities allowing trust to build. Outreach attempts are subject to miscommunication due to receptiveness of outreach strategies within communities. Methods of engagement, mode of delivery and differences in life priorities are a few facets of outreach that change from community to community. A lack of effective community outreach with the limited English population has led to:

- Limited registration for notification systems
- Limited preparedness education and understanding of cultural differences

Identification of LEP population

Local organizations are required to utilize OFM LEP population estimates to identify languages meeting the 5 percent or 1,000-person threshold. Currently OFM estimates are available for counties but are not for cities with CEMP planning requirements. The original legislation (ESSB 5046 section 4. (3)(a) ii) defined this “significant population segment” to be each limited English proficiency language group that constitutes five percent or one thousand residents, whichever is less, of the population or persons eligible to be served or likely to be affected within a city, county, 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 supporting fiscal note specified this information was only available at the county level and there would be an additional fiscal cost/impact to fund the city/county/town research. The fiscal impact for OFM was not funded in the final budget. 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 alternative LEP population estimate data to meet intent
- Varying levels of LEP population estimate availability or accuracy depending on data source

Technology Infeasibility Recommendations

Recommendation for Notification System Limitations

Generate and share pre-scripted messaging so accurate messages are readily available during an emergency. There are several resources available to share content but access to material can be difficult due to website authentication requirements. Establish collaborative file sharing that is easy to access and meets agency and local government IT requirements.

Cost: There are several file sharing options. A recommendation would be Digital Pidgeon. This would be \$2,500 for 20 users. 10 additional users could be added for \$120 more a year. Only those that upload files would need to be classified as users, as you do not need user status to view or comment on files.

The following are recommendations for improving the notification systems:

- Enhance collaborative resources to enable collaboration between outside agencies, local jurisdictions or organizations.
- Shared pre-scripted messaging

Recommendation for Lack of Access to Translation Services

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 validating language proficiency and translation or interpretation skill.

Cost: The costs associated with starting a language bank include the Computer Assisted Translation (CAT) tool subscription (\$5,388 per year) and the costs associated with paying for the translations as well as providing training. This can range from volunteers translating for free to rates based on words translated and experience of the translator. 36 Language tests in both interpretation (\$100) and translation (\$60) totaling \$5,120.

The following will assist with access to translation services:

- Master contract for translation and interpretation services
- LEP Communications Plans
- Language bank

Recommendation for Community Outreach

Establish four cultural outreach positions to cover state quadrants in order to increase partnerships with ethnic organizations and promote better outreach opportunities. These positions would establish and maintain relationships between organizations and local government. Funding is also required to test for language proficiency and ability to interpret and translate.

Cost: Salary, benefits, and travel expenses for four full-time employees.

The cultural outreach positions would:

- Develop strategies for Alert System education for LEP communities
- Develop strategies for targeted outreach of LEP communities
- Build partnerships with ethnic organizations
- Coordination of language proficiency and interpretation/translation skill testing for volunteers

Recommendation for Identification of LEP population

Expand current OFM population estimates to include cities or at least include cities requiring development of CEMP.

Conclusion

Many of the challenges we currently face with language access are due to limitation of current resources or systems. We can overcome or remedy many of these limitations by creating resources that are focused across the state rather than in each instance.