

Date of Hearing: April 25, 2022

**ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT**

Freddie Rodriguez, Chair

AB 2477 (Rodriguez) – As Amended March 16, 2022

**SUBJECT:** Emergency alert and warning service providers: minimum operating standards

**SUMMARY:** 1) Requires the California Office of Emergency Services (Cal OES) to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities and establish thresholds for reporting disruptions in service.

Specifically, **this bill:**

- 1) Requires Cal OES to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities.
- 2) Requires Cal OES to develop thresholds for private sector alert and warning service providers to report disruptions in their ability to process and send alerts and warnings due to a cyber attack or other incidents.
- 3) Requires Cal OES to notify county office of emergency services, the sheriff, and any public safety answering point affected by the disruption of service.

**EXISTING LAW:**

- 1) Establishes in state government, within the office of the Governor, Cal OES. Requires Cal OES to be under the supervision of the Director of Emergency Services, who has all rights and powers of a head of an office and is referred to as the Director of Emergency Services.
- 2) Requires Cal OES to be responsible for the state's emergency and disaster response services for natural, technological, or man-made disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.
- 3) Authorizes the Governor to make, amend, and rescind orders and regulations necessary to carry out the provisions of the California Emergency Services Act, requires the orders and regulations to have the force and effect of law, and requires orders and regulations, or amendments or rescissions to orders and regulations, issued during a state of war emergency or state of emergency to be in writing and to take effect immediately upon their issuance.
- 4) Authorizes the Governor, during a state of war emergency or a state of emergency, to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

- 5) Requires the Standardized Emergency Management System (SEMS) for managing multiagency and multijurisdictional responses to emergencies in California. State agencies are required to use SEMS and local government entities must use SEMS in order to be eligible for any reimbursement of response-related costs under the state's disaster assistance programs.
- 6) Requires Cal OES, as specified, to develop guidelines for alerting and warning the public of an emergency. Cal OES must provide each city, county, and city and county with a copy of the guidelines
- 7) Authorizes Cal OES to require a city or county to operate its alert and warning activities in a specified manner as a condition on a voluntary grant application for funds with a nexus to emergency management performance.
- 8) Requires Cal OES, through its California Specialized Training Institute (CSTI), to develop an alert and warning training.

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

Purpose of the bill: According to the author, "State and local governmental entities rely on private sector contractors to issue emergency alerts and warnings throughout California. Local emergency managers rely upon these vendors to routinely warn the public of fires, floods, extreme temperatures, or areas to avoid due to police activity or other hazardous activities."

"Local alert and warning systems are also critically important during major disasters, such as earthquakes, tsunamis, major fires and pandemics. Alerts can convey vital information about evacuation routes and shelter locations," added the author.

The author concludes, "Given the importance of emergency alert and warning programs to our communities, Cal OES should develop minimum operating standards for private sector vendors to ensure these platforms are resilient to all types of disasters. Cal OES should also ensure there are consistent and timely reporting mechanism of any disruptions in a private sector's ability to send alerts and warnings due to a cyber attack or other incident."

Emergency Alerts and Evacuation Plans: In recent years, California has experienced severe problems in notifying or warning citizens in times of disaster or emergency. This has resulted in the loss of lives and can be generally attributed to: faulty preparation, issues in planning and decision making, limitations in existing warning and notification technology and systems, the inability of communications providers to have needed equipment or services in rural communities, and, the failure of citizens to sign up for warnings or heed them.

Integrated Public Alert and Warning System (IPAWS): 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.

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.

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.

Arguments in support: The California Fire Chiefs Association and the Fire Districts Association of California write in support, “Emergency alerts and warning systems are imperative tools for local community emergency preparedness and evacuation plans. By keeping public safety entities apprised of any gaps in service, they will be able to better anticipate potential disruptions and ensure their community is properly equipped for emergencies. For these reasons, the California Fire Chiefs Association and the Fire Districts Association of California are in support of AB 2477.”

Prior legislation: SB 833 (McGuire), Chapter 617, Statutes of 2018. Required the Cal OES to work with specified stakeholders to develop guidelines around emergency alerts and requires additional training for local emergency office personnel.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Fire Chiefs Association  
Fire Districts Association of California

### **Opposition**

None on file.

**Analysis Prepared by:** Mike Dayton / E.M. / (916) 319-3802