STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

February 23, 2022

Via E-Mail

Gina Raimondo
Secretary of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Mary C. Erickson, Acting Director
National Weather Service
1325 East West Highway
Silver Spring, MD 20910

Re: National Weather Service Alerts: Language Access

Dear Secretary Raimondo and Acting Director Erickson:

On September 1, 2021, Hurricane Ida ravaged New York City and the northeast, as it had southern states. Ida caused at least 91 deaths in nine states, including 18 drowning deaths in New York from flash flooding.[1] The extreme weather alerts that the National Weather Service sent to the hardest hit communities in New York City, like its alerts elsewhere, were only in English and Spanish (cell phone) or English (television) even though many people in those communities have limited proficiency in English and Spanish. I urge the Service to develop its capacity to disseminate weather alerts in all the languages commonly spoken in the communities that receive the alerts.

In the Queens and Brooklyn neighborhoods where most of the deaths occurred as a result of Hurricane Ida, census tract level data indicates that between 40% and 80% of households speak languages other than English or Spanish at home[2] and nearly all the victims who lost their lives were immigrants from Asia.[3] Nonetheless the alerts sent via cell phones were only in English and Spanish, including the last alert, sent at approximately 9:28 PM on September 1, warning of

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[1] Centers for Disease Control, *Notes from the Field: Deaths Related to Hurricane Ida Reported by Media — Nine States, August 29–September 9, 2021.*

[2] Katie Honan, The City, Sept. 3, 2021, *Mayor's Map Showed Most of Ida's Victims LivedWhere Rainfall Was Riskiest* (last viewed Jan. 27, 2022); U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table S1601. Language Spoken at Home. https://data.census.gov/cedsci/table?q=language (accessed Feb. 22, 2022).

[3] Kimmy Yam and Sakshi Venkatraman, NBC News, Oct. 18, 2021, _Ida's Forgotten Victims: Nearly All Storm's Basement Deaths Were Asian Residents, Obscured by Climate Injustice_; Stephanie Lai, Vera Haller, Samira Sadeque and Marc Fisher, Washington Post, Sept. 4, 2021, _Life and Death Underground, N.Y. Immigrants Perish in Flooded Basements_.

a "catastrophic" flash flood emergency in Queens, Brooklyn, Bronx and Manhattan.[4] The alerts that were disseminated to television broadcasters were only in English, including the alert sent at approximately 9:28 p.m. on September 1 warning of "life threatening flash flooding" and urging residents to "seek higher ground now."[5]

The Commerce Department's guidance on Executive Order 13166 ("Improving Access to Services for Persons with Limited English Proficiency") states that the Department "strive[s] to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency."[6] Relatedly, Executive Order 14031, issued on May 28, 2021, established a Presidential Advisory Commission on, among other things, "policies and practices to improve language access services to ensure [Asian American] and [Native Hawaiian, Pacific Islander] communities can access Federal programs and services."[7]

The Service has recognized that the failure to issue alerts in Spanish when it is commonly spoken in the impacted area has contributed to tragic loss of life. In 2012, the Service found that "its mission 'for the protection of life and property' cannot be fully realized if significant numbers of the population in one or more regions cannot use the warnings and forecasts because of a language barrier."[8] In 2014, the Service recommended that it "work[] with the entire weather enterprise" to "initiate risk communication for non-English speakers and other underrepresented groups" and "establish a procedure for local non-English speaking decision support services before, during, and after severe weather events."[9]

Hurricane Ida struck more than seven years after these critical recommendations, yet the Service's alerts were not distributed in several languages commonly spoken in the impacted areas in New York City.[10] The Service should swiftly develop the capability to transmit its alerts regarding extreme weather

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[4] City of New York Report released September 27, 2021, *The New Normal: Combatting Storm-Related Extreme Weather in New York City*, p. 21.

[5] *See* National Weather Service, New York, NY, Sept. 1, 2021, https://www.weather.gov/media/okx/Ida/FFW40_NYC.pdf.

[6] U.S. Department of Commerce, Office for Civil Rights, Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 Fed. Reg. 14,180, 14,181 (Mar. 24, 2003).

[7] EO 14031, Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders, 86 Fed. Reg. 29,675, 29,676 (June 3, 2021).

[8] *Service Assessment: Hurricane Irene, August 21–30, 2011* (September 2012), pp. 73-74.

[9] *Service Assessment: May 2013 Oklahoma Tornadoes and Flash Flooding* (May 2014), pp. 39-40.

[10] Wireless Emergency Alerts (360 Characters), https://www.weather.gov/wrn/wea360.

events—some, for instance, warning of an "extremely dangerous and life-threatening situation"[11]— in multiple languages commonly spoken in the relevant locality. In New York City, the alerts should be in at the very least the languages most commonly spoken by residents with limited English proficiency: Chinese (both traditional and simplified), Russian, French Creole, Bengali, and Korean, as well as Spanish.[12]

As federal, state and local governments confront increasingly extreme weather tied to climate change, the Service plays a critical role in providing Americans with potentially life-saving warnings. Fortunately, the widespread use of cellular and internet technology, in addition to the array of television broadcasts, including those in foreign languages, makes it possible for the Service to instantaneously reach more Americans in harm's way than ever before.[13]

I urge the Service's and Commerce Department's leadership to develop, as swiftly as possible, the capacity for seamlessly providing extreme weather warnings in languages understood by the millions of Americans who are not primarily English or Spanish speakers,[14] as appropriate for the relevant locality.[15] I look forward to engaging with you in the coming weeks on this vital and urgent matter.

Sincerely,

Letitia James
New York State Attorney General

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[11] *See id.*

[12] https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/acs/top_lang_2015 pums5yr_nyc.pdf.

[13] The FCC has recognized that "the Emergency Alert System, which delivers alerts over television and radio, may be used to transmit audio and video scroll in the languages that best meet local community needs." FCC, April 8, 2021, *Emergency Alerts: A Critical Multilingual Outreach Tool.* It is also essential for the Service to work closely with the FCC and other relevant agencies to ensure that WEAs can and do reach as many mobile device users as possible, and that WEA accessibility for visually- or hearing-impaired users continues to be optimized.

[14] Census tract level data identifies the most prevalent languages spoken at home. *See* U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table C16002, *available at* shorturl.at/oqxER

[15] I applaud the Service's recent Request for Information (RFI) seeking input on machine learning and other tools for translating the Service's weather alerts. However, the RFI indicates the Service is presently focused on developing translation capacity only for the Spanish, Samoan, French, and Tagalog languages. *See* RFI Notice NW-WH0000-22-00017, Draft Requirements, at p. 2. The Service should broaden these efforts to cover more languages.

cc: U.S. Senator Charles Schumer
       U.S. Senator Kirsten Gillibrand
       Governor of the State of New York, Kathy Hochul
       Mayor of New York City, Eric Adams