

**Position Statement on  
Accessible Emergency Management  
for Deaf, Hard of Hearing and DeafBlind Residents of Washington State.**

### Overview

Emergencies and disasters profoundly affect thousands of Americans each year. Washington has approximately 600,000 Washington residents who are Deaf, Hard of Hearing or' DeafBlind<sup>i</sup> and it has been well documented that this population often experiences the most difficulty when it comes to preparing for and recovering from emergencies and disasters.

In 2014, the National Council on Disability confirmed the findings of earlier research in their report, *Effective Communications for People with Disabilities: Before, During and After Emergencies*.<sup>ii</sup> The findings indicated that there is a need to improve access to emergency services for deaf and hard of hearing individuals, as well as all people with disabilities.

The Washington State Office of the Deaf and Hard of Hearing (ODHH) has been involved in the development of ASL Emergency alerts for the past *two years to* demonstrate how ASL videos can be integrated into public warning systems *and* has disseminated emergency alerts through GovDelivery email blasts to those who have subscribed to ODHH's GovDelivery to receive these alerts. However, at this point it is obvious that ODHH is not a designated emergency agency with an obligation to generate translated emergency alerts. ODHH does not have sufficient staff or funding to generate timely ASL emergency alerts before, during, and after a disaster.

### Statutory Responsibilities

It is important to note that the practices outlined in this document are not only best practices, but they are also required by several federal and state anti-discrimination, telecommunications access, and disaster recovery laws. In many respects, this extensive body of legislation establishes a framework for emergency preparedness, response, and recovery that is fully accessible to all Americans. Furthermore, there are several federal statutes that require emergency managers to provide accessible response, recovery, and preparedness resources to Washington State residents who are Deaf, Hard of Hearing or DeafBlind.

The **Rehabilitation Act of 1973** specifically, Section 504, bars any federal agency or organization receiving federal funds from discriminating against individuals with any disability in the provision of services. Furthermore, Section 508 of the Act requires that all electronic and information technology resources developed with the use of federal

funds must be completely accessible. Consequently, FEMA and all local jurisdictions funded through FEMA or other federal funds must ensure that all their programs and services are fully accessible to deaf and hard of hearing individuals, including all information available on their websites.<sup>iii</sup>

**Title II of the Americans with Disabilities Act (ADA)** prohibits discrimination by state or local governments. As noted in the National Council on Disability's 2014 report on *Effective Communications for People with Disabilities: Before, During and After Emergencies*, "Pursuant to Title II and its regulations, state and local governments must ensure that their communications, including emergency communications, are fully accessible to people with disabilities." This includes live and recorded announcements made by local governments including Mayors and Governors' offices.<sup>iv</sup>

**Section 255 of the Communications Act** requires telecommunications equipment manufacturers and service providers to make their products and services accessible to people with disabilities. One example of this legislation in action is the expanded usage of accessible emergency alerts on mobile devices. The Federal Communications Commission has the authority to ensure emergency alert messages are accessible to those who are deaf or hard of hearing, including the wording of such alerts as well as providing direct links to accessible information.<sup>v</sup>

The **Twenty-First Century Communications and Video Accessibility Act of 2010** established accessibility requirements for emergency information being broadcast on digital television screens as well as through Internet streaming video to computer screens and mobile devices.<sup>vi</sup>

The **Robert T. Stafford Disaster Relief and Emergency Assistance Act** (Stafford Act) directs the Administrator of the Federal Emergency Management Agency (FEMA) to assist local and state authorities in cases of disaster or emergencies. Specifically, the law requires that any information disseminated by the agency is available in accessible formats that are understood by "populations with limited English proficiency" as well as "individuals with disabilities or other special needs," and also requires the agency to "develop and maintain an informational clearinghouse of model language assistance programs and best practices for State and local governments in providing services related to a major disaster or emergency."<sup>vii</sup>

The **Federal Communications Commission (FCC)** has proposed but not yet required wireless providers participating in Wireless Emergency Alerts (WEA) to support ASL video templates. These requirements have been approved but remain unpublished, and we continue to advocate for the FCC to move this rulemaking forward. It is recommended that these templates be developed locally mirroring the FCC templates and using localized disaster-related sign language translation. These localized templates may be pre-installed on WEA-capable mobile devices or downloaded to the

device when triggered by the user's selection of the option to receive WEAs in ASL. Where an alerting authority chooses to send a multilingual Alert Message, the WEA-capable mobile device must be able to extract and display the video template if the subscriber has opted into receiving ASL alerts. When a multilingual alert is sent and the subscriber has opted into receiving ASL alerts, the ASL video template is required to appear first and must be followed by the fillable English version of the alert.<sup>viii</sup>

For Washington State, in addition to the above Federal statutes, emergency agencies must follow relevant state laws, one of which is SSB 5046 as passed in 2017. This act relates to providing public notices of public health, safety, and welfare in a language other than English. SSB 5046 amends RCW 38.22.010 and 38.52.070 and adds new sections to chapter 38.52.<sup>ix</sup>

### Best Practices

Optimal practices for including deaf, hard of hearing and deafblind individuals in all emergency preparedness efforts and trainings should be in an "Emergency Planner Checklist" format. These checklists are intended to provide guidance to federal, state, and local government agencies charged with providing access to disaster preparation and relief for individuals who are deaf, hard of hearing and deafblind. In addition, a checklist will help guide implementation of accessibility features that will come as the Next Generation 911 (NG911) is rolled out.<sup>x</sup>

**Set aside disability accommodation funds** within the emergency budget, including funds for sign language interpreters/translators and captioning in preparation for all emergency management activities.

### ODHH ASL Emergency Alerts recommendations

1. Transfer responsibility for ASL translation of emergency alerts to the appropriate state or territorial emergency management agency for timely dissemination. Disability and accessibility agencies can serve as consultants or Subject Matter Experts (SMEs). Include partners such as local and tribal emergency management offices, public health agencies, and state and national disability-led advocacy organizations such as CSD<sup>xi</sup>, Deaf Equality<sup>xii</sup>, TDI<sup>xiii</sup>, Gallaudet RERC<sup>xiv</sup>, etc. in emergency communications coordination groups that address overall communications capabilities (e.g., radios, satellite, interoperability). At the federal level, the Integrated Public Alert and Warning System (IPAWS)<sup>xv</sup> issues EAS and WEA alerts, while state and regional groups (such as WAPAWS<sup>xvi</sup>) provide best-practice guidance for local implementation such as Colorado.<sup>xvii</sup>
2. All communications provided through sign language interpreters/translators and closed captioning must meet disability community and state standards. In

advance of all emergency broadcasts and public service announcements, all interpreting and captioning service providers should be approved in advance by local partners such as the Coalition on Inclusive Emergency Planning (CIEP) advisory group with the Washington Statewide Independent Living Council<sup>xviii</sup>, the Office of the Deaf and Hard of Hearing Sign Language Interpreter Contracts and Resources (SLICR)<sup>xix</sup> and the Access and Functional Needs (AFN) program under the Emergency Management Division (EMD).<sup>xx</sup> Care must be taken to ensure the interpreters and captioning service providers are trained or have extensive experience in emergency situations and familiar with emergency management terminology.

3. Develop an emergency app specifically for Washington State to ensure all disability groups have access to the emergency alerts in a language they can understand which includes ASL, captioning and braille access through a mobile phone, tablet or laptop connected to a braille device to receive alert messages in text format.
4. Whichever city, county, state and tribal emergency agencies that develop the emergency alert script will be responsible for disseminating the emergency alert to the agency that will be responsible for translating the emergency alerts in ASL and adding captioning and braille accessible text format for DeafBlind residents of Washington State. These translated alerts should simultaneously be released to the public within an hour so that the Deaf, Hard of Hearing and DeafBlind communities obtain timely alerts as do other communities. Disability groups and marginalized communities should not be required to wait for days to receive a translated alert. It's recommended that a translation protocol includes contracting with appropriate ASL translators such as Certified Deaf Interpreters.
5. We recommend that the State emergency agency train all selected ASL interpreters/translators with emergency credential training to prepare them for translating emergency alerts, which has been recognized nationwide as a best practice in the State of Arizona.<sup>xxi</sup>
6. We recommend that CIEP and state emergency management agencies consult with the local Deaf, Hard of Hearing and DeafBlind organizations and government agencies to establish and maintain relationships with the community members to share best practices and vetting third parties such as interpreters, captioners, and other vendors.
7. Appoint a Subject Matter Expert who is qualified to monitor the existing or emerging alerting technology to improve accessibility of emergency alerts in a format that the Deaf, Hard of Hearing and DeafBlind communities in Washington state can understand and protect themselves.

## References

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<sup>i</sup> The use of “deaf, hard of hearing and deafblind” is intended to represent the entirety of the community including those who are deaf, hard of hearing, DeafBlind, late-deafened, living with other types of hearing losses, or have additional disabilities.

<sup>ii</sup> [National Council on Disability | Effective Communications for People with Disabilities: Before, During, and After Emergencies](#)

<sup>ii</sup> Section 504 of the Rehabilitation Act of 1973, 29 U.S. Code § 794. [Disability Access | Homeland Security](#) and Section 508 of the Rehabilitation Act, 29 U.S. Code § 794d. [Section 508 Program - IT Policy and Governance \(ITPGOV\) | FEMA.gov](#)

<sup>ii</sup> [Emergency Planning | ADA.gov and Title IV of the Americans with Disabilities Act \(Section 225\) | Federal Communications Commission](#)

<sup>ii</sup> [Guidance on the Telecommunications Act Section 255 Guidelines](#)

<sup>ii</sup> [Twenty-First Century Communications and Video Accessibility Act | Federal Communications Commission](#)

<sup>ii</sup> [Stafford Act | FEMA.gov](#)

<sup>ii</sup> [Multilingual Wireless Emergency Alerts | Federal Communications Commission and Wireless Emergency Alerts \(WEA\)](#)

<sup>ii</sup> [SB 5046 Washington State Legislature](#). Also see link: [5046-S.PL.pdf](#)

<sup>ii</sup> [16\\_EH\\_Emergency-Planning-PPI-w-Disabilities\\_FactSheet.pdf](#)

<sup>ii</sup> [NG9-1-1 Project](#)

<sup>ii</sup> [Integrated Public Alert and Warning System \(IPAWS\) | Division of Homeland Security and Emergency Management](#)

<sup>ii</sup> [Coalition on Inclusive Emergency Planning \(CIEP\)](#)

<sup>ii</sup> [National Council on Disability | Effective Communications for People with Disabilities: Before, During, and After Emergencies](#)

<sup>ii</sup> [Inclusive early warning early action: checklist and implementation guide | UNDRR](#)

<sup>iv</sup> [Emergency Planning | ADA.gov and Title IV of the Americans with Disabilities Act \(Section 225\) | Federal Communications Commission](#)

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- v [Guidance on the Telecommunications Act Section 255 Guidelines](#)
- vi [Twenty-First Century Communications and Video Accessibility Act | Federal Communications Commission](#)
- vii [Stafford Act | FEMA.gov](#)
- viii [Multilingual Wireless Emergency Alerts | Federal Communications Commission](#) and [Wireless Emergency Alerts \(WEA\)](#)
- ix [SB 5046 Washington State Legislature](#). Also see link: [5046-S.PL.pdf](#)
- x [16 EH Emergency-Planning-PPI-w-Disabilities FactSheet.pdf](#)
- x [NG9-1-1 Project](#) and [Inclusive early warning early action: checklist and implementation guide | UNDRR](#)
- xi [Communication Service for the Deaf | The Power of 360 Million Deaf People Worldwide](#)
- xii [Deaf Equality – Empowering Deaf Rights, Advancing Equality](#)
- xiii [TDIforAccess - TDI](#)
- xiv [RERC on Technology for the Deaf and Hard of Hearing | Gallaudet University](#)
- xv [Integrated Public Alert & Warning System | FEMA.gov](#)
- xvi <https://mil.wa.gov/wa-paws>
- xvii [Access and Functional Needs Resources | Division of Homeland Security and Emergency Management](#)
- xviii [Coalition on Inclusive Emergency Planning \(CIEP\)](#)
- xix [Sign Language Interpreter Contracts and Resources | DSHS](#)
- xxi [Emergency Response Interpreter Credentialing \(ERIC\) Program | Department of Emergency and Military Affairs](#)