

FCC Announces Date of First Ever National Emergency Alert System (EAS) Test

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The Federal Communications Commission (FCC) announced that the first ever national test of the Emergency Alert System (EAS) will occur at 2 PM EST on November 9, 2011. The purpose of the test is to assess the reliability and effectiveness of the EAS as a mechanism to alert the public of emergencies. The FCC, in coordination with the Federal Emergency Management Agency, will use the results of the test to determine what components of the system are ineffective and what improvements are necessary in order to address any vulnerabilities and ensure that the EAS functions as a robust public warning system.

The national test

EAS is the current public warning system designed to allow the President to issue an alert to the public during a national crisis. The current EAS relies upon broadcast messages through a “daisy chain” to radio, television, satellite, and cable operators to deliver messages to the public. While the current EAS is subject to weekly and monthly tests at the state and local level, it has never been tested from “top to bottom,” or delivered a nationwide Presidential alert. The FCC’s Part 11 rules have long provided for weekly and monthly tests of the EAS on the state and local levels, but until earlier this year, did not account for nationwide testing. In February 2011, the FCC modified its rules to account for national testing in response to its belief that the lack of national testing procedures impeded the ability to detect vulnerabilities in the nationwide alert system. More information about the rule changes from February can be found in our Advisory on those changes, available [here](#).

As all EAS participants will have to report to the FCC on the results of the national test, and all such participants should use the period between now and November to assure that their systems are working and ready to fulfill their obligations under the rules. No broadcaster, cable system or other participant wants to be in the position of having to report to the FCC that their equipment was malfunctioning on the date of the test. And, certainly, no participant wants to forget to file the necessary report when due. We will update clients as the date for filing that report is announced.

The FCC itself has suggested that various trade associations representing EAS participants work with their members to assure that they are ready for the test. Participants in state EAS plans should also review those plans to make sure that they have been updated to take into account any changes that may have occurred since the plan was written, including, for instance, facilities changes in broadcast stations or stations signing off the air. Any daisy chain is only as effective as its weakest link.

Upcoming changes to the EAS rules

The FCC's announcement regarding the national EAS test date comes on the heels of the FCC's [Third Further Notice of Proposed Rulemaking](#), which was released on May 26, 2011 (NPRM). In the NPRM, the FCC outlined a number of proposed changes to its Part 11 rules governing the EAS. These changes are intended to integrate Common Alerting Protocol (CAP) based alert messaging into the existing EAS while laying the foundation for transitioning to next generation alert mechanisms. The FCC's NPRM also seeks public input on critical issues such as whether to extend or modify the current September 30, 2011 deadline for CAP-compliance, and how the FCC should address EAS equipment certification and conformance testing. More discussion of the specifics of this NPRM can be found on our [Broadcast Law Blog](#). The FCC will open a public comment period regarding these issues and the proposed changes to Part 11 once they are published in the Federal Register.

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