

City of Marysville

Comprehensive Emergency Management Plan

Limited English Proficiency (LEP) Inclusive Emergency Communications Plan



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Introduction

Purpose

The purpose of the Limited English Proficiency (LEP) Inclusive Emergency Communications Plan is to outline the responsibilities of the City of Marysville in regards to LEP persons and establish a process for providing assistance to them for agency programs, activities, and services pursuant to Title VI of the Civil Rights Act of 1964, Executive Order 13166, and Title 38.52 RCW.

Planning Assumptions

Emergency management life-safety information and services during a non-emergency incident is centered primarily on preparedness information, to prevent and/or reduce risk. During an emergency incident, this information and related services are more time sensitive and may require extra staffing resources to produce.

Establishing strong relationships with community and faith-based leaders, as well as schools and businesses, before disaster strikes is key to building a robust network of information-sharing partners that can disseminate time-sensitive, official messages in appropriate and useful formats. Trusted partners can also provide situational awareness and community resource needs to emergency response organizations. Regular engagement and inclusion in planning, training, and exercise activities strengthen these relationships.

Accessing “on-demand” translation and interpretation services during a catastrophic incident may be significantly delayed given impacts to transportation and communication infrastructure, the time it takes to coordinate with translation service providers, as well as delays in gathering situational awareness and appropriate actionable messages and directives.

For similar reasons, dissemination of life-safety notifications in languages other than English may be more delayed than these same notifications in English, depending on the nature of the incident, technology limitations, impact to communication infrastructure, and a community’s ability to reach its own members.

Interviews with community leaders indicate that local language communities consider existing auto-translation programs inadequate. It is preferable for emergency messaging to be sent in English versus relying on auto-translation. When available, using certified translators is a recognized “best practice.” Investing in pre-disaster education and community outreach regarding the importance of personal emergency preparedness and community self-sufficiency can counteract possible delayed or limited communications in any language.

The City of Marysville maintains an alert system which contains internal and external contact lists and has the capability of launching emergency alerts throughout the City of Marysville or to internal staffing groups. This plan will refer to the City of Marysville’s emergency alert system (RAVE Alert) as Marysville Alerts.

Organization

During non-emergency operations or when the Emergency Operations Center (EOC) is not activated, the Communications division and the Public Information Officer (PIO) will lead messaging efforts with support from other departments or agencies. During emergency operations or when the EOC is activated, the PIO (and Joint Information Center (JIC) if activated) will lead emergency messaging

efforts with support from Emergency Management as well as other City departments and community partners. Organizations involved in messaging would support the PIO, JIC if activated, or possibly other operational areas where there is a need.

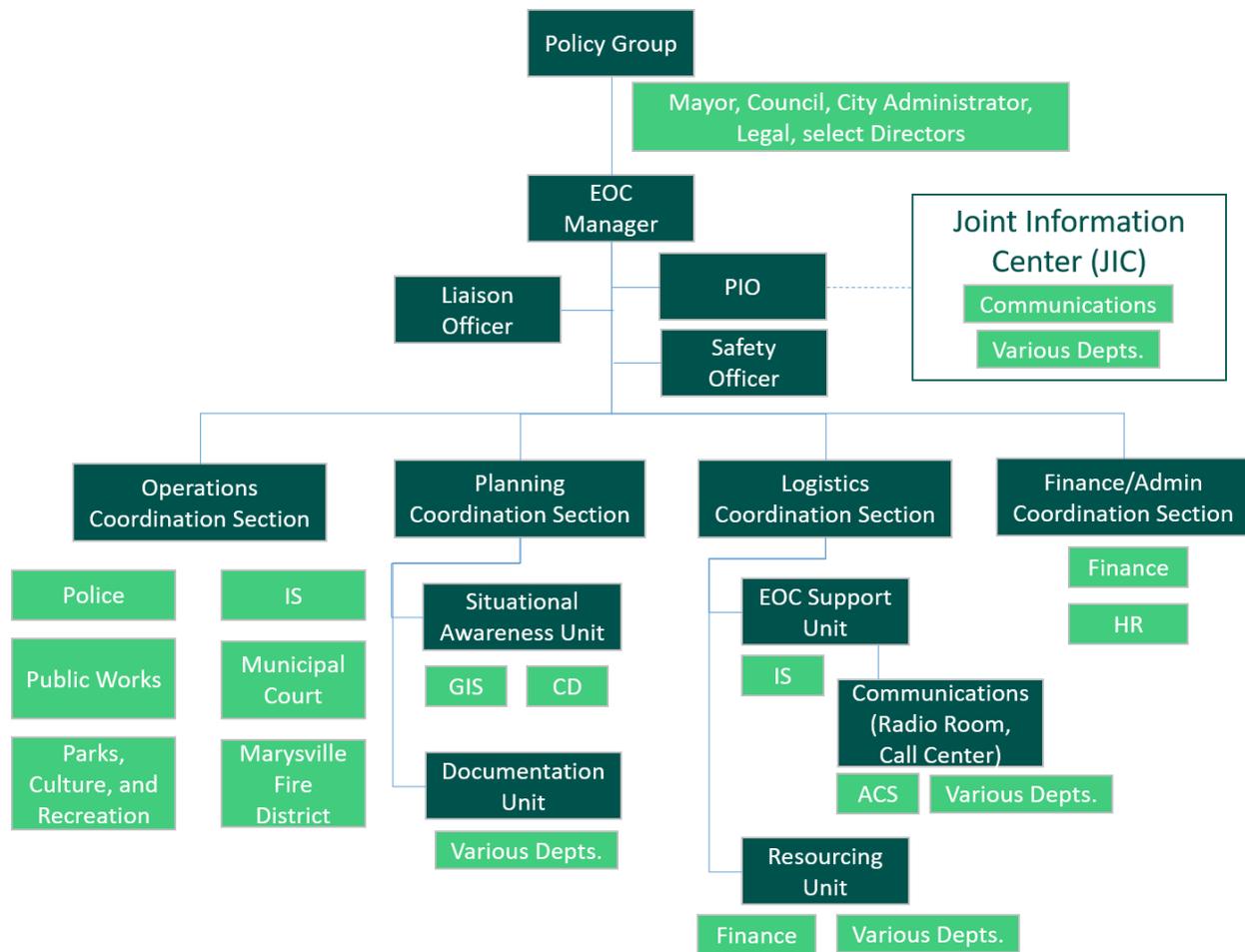


Figure 1: Emergency Operations Center Organizational Chart

Identifying LEP Language Groups

The Revised Code of Washington (RCW) 38.52 requires that each local organization that produces a local Comprehensive Emergency Management Plan must include an LEP life safety communication plans for each LEP language group that constitutes five percent or 1,000 residents, whichever is less, of its population. The Office of Fiscal Management reports mandated by state law provide county-level statistics but do not provide information at the city level so LEP language groups in Marysville were determined using other sources. According to Washington State EMD, a limited English proficient (LEP) individual is one who does not speak English as his/her primary language and who has a limited ability to read, write, speak or understand English. Not all individuals whose primary language is not English should be considered as having limited English proficiency.

According to U.S. Census Bureau’s American Community Survey 2021 5-year estimates, 17.4% of Marysville residents age 5 and older speak a language other than English at home. Of those, 7.6% speak Spanish, the predominant non-English language in Marysville. The estimate of individuals who

speak Spanish at home and speak English less than ‘very well’ is 1,657 which is over the 1,000 residents requiring emergency messaging per RCW 38.52.070.

Table 1: Language Groups in Marysville (U.S. Census data)

<i>Language group</i>	<i># of residents</i>	<i>% of residents</i>	<i>Speak English less than ‘very well’</i>	
Spanish	4,921	7.6%	1,657	2.5%
Russian, Polish, or other Slavic Languages	1,711	2.6	571	0.9%
Tagalog	1,605	2.5%	471	0.7%
Other Indo-European languages:	1,032	1.6%	370	0.6%
Other Asian and Pacific Island languages:	686	1.1%	224	0.3%
Other and unspecified languages:	396	0.6%	37	0.1%
Vietnamese:	372	0.6%	139	0.2%
Korean:	167	0.3%	77	0.1%
Chinese (incl. Mandarin, Cantonese):	155	0.2%	126	0.2%
French, Haitian, or Cajun:	103	0.2%	0	0.0%
German or other West Germanic languages:	99	0.2%	7	0.0%
Arabic:	83	0.1%	0	0.0%

Source: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates

No other single language fitting the LEP criteria currently meets the required five percent or 1,000 residents threshold mandated by state law. We conclude, therefore, that Marysville is required at this time to provide life safety messaging in Spanish. The City recognizes the importance of providing messaging in other languages than Spanish when possible, particularly for languages with greater numbers of speakers. Though the survey data does not break Ukrainian out as a separate language group, this plan recognizes that there is a Ukrainian population that would benefit from translated materials.

Further local research supports that conclusion. The Marysville School District reported in 2018 that 34 languages other than English were spoken in students’ homes. Spanish is by far the most prominent with 12% of Marysville students (1,230 students out of about 10,000 in the district) speaking Spanish at home. (Note: The school district serves a larger geographic area than the city limits.)

Table 2: Language Groups in Marysville (school district data)

<i>Language group</i>	<i>Number of students</i>	<i>Percentage of students</i>
Spanish	1,230	12%
Russian	157	1.6%
Ukrainian	140	1.4%
Vietnamese	84	.84%
Tagalog	82	.82%

Source: Marysville School District, 2018

Identification of Messaging Strategies and Methods

A list of potential systems and methods for disseminating life-safety notifications is below. Methods selection should be based on the incident, the information being shared, and the target audience. Selection should consider the ability of alerts to reach as many people in the target audience as possible including those who are deaf or hard of hearing, blind or visually impaired, have a learning or cognitive disability, or may not be able to read and understand English.

Marysville Alerts (RAVE Alert)

The City can use their Rave platform to send alerts to individuals who have subscribed to receive messages. They can receive messages via phone call, text message, or email. The Rave platform includes an ability to auto-translate messages in a variety of languages so that users who selected a different language in their account will receive messages in the language they chose. The City recognizes that without vetting the translations, they have potential to be missing information or be mistranslated. To the extent possible, the City will confirm accuracy of the translations but may send alerts without translation confirmation if needed and based on the nature of the emergency.

The City has a Spanish alert opt-in function that allows people to sign up to receive alerts in Spanish (in place of or in addition to the City's English alerts). These alerts will not be auto-translated and are to be input in to the system by City staff in Spanish. To the extent possible, these messages are pre-scripted and vetted ahead of time.

Reverse Call Back (Reverse 911)

The City can initiate reverse call backs utilizing landline phone data in the Rave platform. The message can be sent to all lines within the City or specific geographical areas. Snohomish County Department of Emergency Management also has the ability to send these calls out and may be used as a backup or in a regional emergency.

Wireless Emergency Alerts (WEA)

Wireless Emergency Alerts (WEA) are alerts that are sent to cell phones in a geographical area. They have a separate alert tone than typical text messages and users do not need to opt-in to receive the alerts. A user can turn these messages off in their phone settings, so City messaging reminds people to confirm WEA alerts are turned on. WEA messages are initiated by Snohomish County or the Washington State EOC.

Emergency Alert System (EAS)

The Emergency Alert System (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 address the American public during a national emergency. The system also may be used by state and local authorities to deliver important emergency information, such as AMBER alerts and weather information targeted to specific areas. An EAS message can be requested through Snohomish County DEM or the Washington State EOC.

Door-to-Door Notifications

Depending on the nature and location of the incident, law enforcement personnel and community volunteers may be deployed to go door-to-door. When possible, an interpreter or bilingual person would be part of this group; as a secondary alternative, the group would have instructions in other languages and/or could use interpreter/translation services.

Social Media Platforms

- Facebook: @MarysvilleWashington, @MarysvilleWAPD
- Twitter: @WA_Marysville, @MarysvilleWAPD
- Instagram: @cityofmarysvillewa
- Nextdoor: City of Marysville (WA)
- LinkedIn: City of Marysville, WA

Community Partners

The City will utilize community partners to share information before, during, and after an emergency. Businesses and other community organizations are often trusted sources of information and have great connections with the populations they serve. The City works regularly with local non-profits, businesses, school districts, chamber of commerce, etc. on preparedness and could utilize these connections to help with public outreach. If needed, Emergency Management has a distribution list of partners that have agreed to help share information which expands the reach into the community. This can also help with targeted messaging to various language groups and other specific segments of our population.

Identification of Key Life-Safety Messages

The following potential emergency messages are broken into two groups. Life-safety notifications should be disseminated quickly using multiple methods and multiple languages when appropriate because of their implication on the safety of the intended recipient. Other emergency messages with important information to help individuals navigate through an emergency or disaster in their community should also be disseminated using multiple methods and in multiple languages if possible. These other emergency messages may not need to be disseminated as quickly as life-safety messages or using as many methods. The lists are not meant to be exhaustive but are intended to provide examples of messages that should be considered for translation/interpretation and dissemination to LEP individuals.

Life-Safety Notifications

Life-safety notices may be related to (but are not limited to) the following:

- evacuation (RCW 38.52 requirement) to include information on available transportation, if available
- sheltering / sheltering in place (RCW 38.52 requirement)
- where individuals can obtain care or assistance (e.g., food, water, showers, medical care, and shelter and food / water for pets and large animals) (RCW 38.52 requirement is communicating availability of food and water) Include information on available transportation, if available
- facility lockdown (RCW 38.52 requirement)
- food safety (e.g., safe handling and disposal of potentially contaminated food products)
- Notices of curfew and curfew-related restrictions
- other public health and safety information (e.g., air quality announcements, generator safety tips, how to avoid carbon monoxide poisoning, how to disinfect potentially contaminated wells, cleaning up after a disaster, when and how to dispose of damaged household goods, and need for health screening or prophylaxis to prevent spread of infections)

Other Emergency Messages

Other emergency-related messages may include (but are not limited to) the following:

- emergency closure or detour notices for key transportation corridors, passenger rail lines and public transit systems (e.g., bus routes, commuter rail, and ferry routes)
- emergency restricted hours / closure notices for local facilities where important services are provided directly to the public (e.g., offices of local health department or district, social services agencies, utilities, and building departments)
- announcements related to disaster-related consumer protection issues (e.g., how to hire a contractor, insurance coverage, and how to file claims and complaints, etc.)
- announcements on reporting damages to local authorities for damage assessment purposes (e.g., what information is needed, how, when and where to report it)

Direction, Control, and Coordination

Horizontal Integration

City departments will follow their department-specific guidance, procedures, or policies to the extent appropriate in support of this plan when it is activated.

Vertical Integration

In an emergency situation, it is important to have cohesive messaging. The City will coordinate public messaging efforts with Snohomish County Department of Emergency Management and Washington State Emergency Management Division. The City will also coordinate with neighboring and community organizations when possible.

Background for Communicating with LEP Population Groups

Title VI of the Civil Rights Act of 1964, 44 U.S.C. 2000d prohibits recipients of federal funds from discriminating based on race, color, and national origin when providing service to the public. The U.S. Supreme Court ruled in 1974 that organizations discriminate based on national origin when they do not provide meaningful access to LEP persons to the federally funded programs they operate (*Lau v. Nichols*, 414 U.S. 563). Meaningful access includes communicating with LEP persons in a language they understand about the availability of emergency management programs, services, and life-safety notifications made during emergencies and disasters.

Most emergency management organizations in Washington State receive federal funds to help operate or maintain their programs. Funding may come from federal sources such as the Emergency Management Performance Grant, Homeland Security Grant Program, or grant programs that help their communities recover from a declared disaster. The source of grant programs such as these is the U.S. Department of Homeland Security (DHS); the Washington Military Department's Emergency Management Division passes through funding to local, state and tribal emergency management organizations.

DHS guidance states that recipients of Federal financial assistance (e.g., state, local, tribal governments) have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services and programs.

This means recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Providing services to and communication with LEP populations should be equivalent to that provided to the English-speaking population in terms of content, availability, distribution, and timeliness.

In 2017, the Washington Legislature approved, and the Governor signed into law, Substitute Senate Bill 5046. This bill, effective July 23, 2017, amended the Washington Emergency Management Act by adding communicating life-safety notifications to LEP language groups to the requirements of state and local emergency management organizations. It also added reporting requirements on communications plans and actual communications with LEP groups.

Legal Requirements

Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Executive Order 13166

“Improving Access to Services for Persons With Limited English Proficiency”. Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 directs each Federal agency that is subject to the requirements of Title VI of the Civil Rights Act of 1964 to publish guidance for its respective recipients and sub-recipients clarifying that obligation.

EPCRA

The Emergency Planning and Community Right-to-Know Act (EPCRA) provisions help increase public’s knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

Section 304 Emergency Release Notification Requirements - Any facility that releases into the environment one of the listed types of chemicals in an amount equal to or greater than its reportable quantity as required by the Emergency Release Notification regulation.

Title 38.52.070 RCW

Section (3) establishes the requirement for emergency management organizations to include a communications plan which identifies “significant population segments” that have Limited English Proficiency and defines how life safety information will be disseminated to those populations during an emergency or disaster.

“Significant population segments” is defined as a language group that constitutes five percent or one thousand residents, whichever is less, of the population of persons eligible to be served or likely to be affected within a city, town, or county. The data source which is used for this determinations must come from the Office of Financial Management.

When necessary, expeditious notifications will be provided to citizens who can reasonably be determined to be at risk during a hazardous materials spill or release (RCW 38.52.070). Notifications will be issued using methods described in this plan and in the CEMP Basic Plan. In addition, the City will participate in required public meetings as appropriate. A representative from the local organization for emergency services or management where the spill or release occurs is required to attend a public meeting for type 1 or 2 hazardous material spills or releases (RCW 70.136.080).

Chapter 118-30 WAC

LEP populations are components of the Whole Community concept which is discussed as a requirement for inclusion throughout the planning process.

Resources

Translations and interpretations will be needed through all phases of an emergency in addition to normal day to day operations. Additional resources may be needed depending on the nature of the incident and response/recovery operations. The City maintains a list of contacts and resources for translations, interpretations, media, etc.

City staff also connect with local school districts and other community partners as trusted resources for LEP families and, independently from that, connect with individuals within Marysville's LEP communities.

References and Supporting Guidance

State

- RCW 49.60 - Washington Law Against Discrimination
- RCW 49.60.400 - Washington State Civil Rights Act
- Governor Executive Order 17-01, Reaffirming Washington's Commitment to Tolerance, Diversity and Inclusiveness, February 23, 2017
- RCW 38.52 – Emergency Management
See sections:
 - RCW 38.52.010 – Definitions (communications plan, life-safety information)
 - RCW 38.52.070 – Definitions (significant population segment, LEP data set), Evaluating Effectiveness of Communications
 - RCW 38.52.580 – State Agencies' communication plans, annual reports on communications
- RCW 70.136 - Hazardous Materials Incidents

Federal

- U.S. Department of Justice Civil Rights Division
- Title VI of the Civil Rights Act of 1964, 42 USC 2000
- Presidential Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, August 11, 2001.
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, 42 USC 5151
- U.S. Department of Homeland Security Title VI regulations against national origin discrimination, 6 CFR part 21.
- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons
- Guidance to State and Local Governments and Other Federally Assisted Recipients Engaged in Emergency Preparedness, Response, Mitigation, and Recovery Activities on Compliance with Title VI of the Civil Rights Act of 1964
- Tips and Tools for Reaching Limited English Proficient Communities in Emergency Preparedness, Response, and Recovery, U.S. Department of Justice, Civil Rights Division, August 2016.