



# Virginia Association of Broadcasters Legal Review



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## Legal Memorandum

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### EAS Nationwide Test Scheduled for August 7, 2019

**\*\* All Broadcast Stations Must Participate \*\***

The [FCC has announced](#) that the next nationwide EAS test is scheduled for **August 7, 2019, at 2:20 p.m. ET**. All broadcasters are required to participate in the August 7 nationwide test, and all broadcasters are required to timely file the required Form One, Form Two, and Form Three reports associated with the nationwide test.

#### A. Nationwide Test Scheduled for August 7

FEMA and the FCC have announced that a nationwide EAS test will be conducted at 2:20 p.m. ET on August 7. (The backup date, if needed, is August 21.) Stations should mark their calendars, ensure that EAS gear is functioning, assign responsibility for the filing of nationwide EAS test reports (the first of which is due **July 3**—[more on that below](#)), and review (and update, as warranted) the FCC's EAS Operating Handbook ([more on that below](#)).

According to the FCC's [June 3 Public Notice](#), the EAS message will only be disseminated using the "daisy chain," a hierarchical, broadcast-based distribution system (as opposed to via IPAWS). FEMA indicates that, because the EAS message will be disseminated via the daisy chain, the "full message text and multilingual messaging will not be available." The message will comply with the FCC's accessibility requirements and include both audio and visual elements. FEMA states that the "intent of conducting the test in this fashion is to determine the capability of the [EAS] to deliver messages to the public in the event that dissemination via Internet is not available."

To begin preparing now for the August 7 test, stations are encouraged to take the following steps:

- Review the station’s state EAS plan;
- Ensure that a copy of the July 2017 version of the EAS Operating Handbook ([discussed below](#)) is located at normal duty positions or EAS equipment locations and is immediately available to operators;
- Review the EAS Operating Handbook to become familiar with and prepare for the actions that will need to be taken upon receipt of the test alert;
- Ensure that the station’s EAS equipment operates in compliance with the FCC’s EAS rules and has the capability to receive and process the NPT (national periodic test) code and the “six zeroes” national location code;
- Upgrade, as needed, EAS equipment software and firmware to the most recent version;
- Complete and file the EAS “Form One” report for the station by July 3; and
- Manually synchronize EAS equipment clocks to the official time provided by NIST (the National Institute of Standards and Technology), if the station’s equipment does not automatically synchronize to an Internet time source.

As you review the material above and below, and as you begin to consider your preparations for the August 7 nationwide EAS, please remember that **all broadcast stations are required to participate in the EAS**; the FCC no longer recognizes “non-participating” status for stations in the EAS rules. Accordingly, all stations must be prepared to participate in the nationwide test on August 7 (or, if the backup date is necessary, on August 21).

**B. Nationwide Test Reporting Requirements: “Form One” Due July 3; “Form Two” Due on Day of Nationwide Test; “Form Three” Due September 23**

You may recall from past years that there are three (yes, three!) reports that must be filed by each station in connection with a nationwide EAS test. These reports must be filed electronically in the FCC’s ETRS ([EAS Test Reporting System](#)) by certain deadlines established by the FCC.

As we stated above, the first report—called Form One—is due by July 3; any updates or corrections must be made by 11:59 p.m. on August 5. This is the report that contains basic information about each station, including its transmitter location, EAS monitoring assignments, and make and model of EAS gear. If you still have a copy of last year’s Form One report, you may wish to refer to it while reviewing the auto-populated data in this year’s Form One report (making certain, of course, to update any information that has changed in the interim).

The second report—called Form Two—will be due by 11:59 p.m. on August 7. Form Three will be due by September 23, and we will remind you later about that report.

To reiterate, **Form One must be completed and filed by all broadcast stations via ETRS by July 3, 2019.**

**C. Stations Should Review the FCC’s EAS Operating Handbook**

In late July 2017, the FCC released a [new EAS Operating Handbook](#) for all broadcast stations. All stations should have reviewed, completed, and printed the [EAS Operating Handbook](#)

in 2017 and posted it at the location of the station’s EAS equipment. Stations that haven’t already done so should now take those important regulatory steps. Stations that reviewed, completed, and printed the EAS Operating Handbook in 2017 should review the Handbook now and determine whether any sections need to be updated.

All station personnel involved in any aspect of EAS compliance—weekly and monthly tests, nationwide tests, state and local alerts, EAS logging, equipment procurement, etc.—should review the EAS Handbook, determine whether it is current and accurate (especially in the “fill-in-the-blanks” areas), and ensure that it is posted at the appropriate location(s). Please Note: stations are not permitted to alter the existing content of the EAS Handbook, other than to complete the portions that are designed for station input.

**D. Questions?**

As you complete Form One and otherwise prepare for the August 7 nationwide EAS test, please consult with your EAS equipment manufacturer and the station’s legal counsel for assistance with any questions.

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If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

*Tim Nelson, Editor*

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