

**BEFORE THE
UNITED STATES ACCESS BOARD**

Telecommunications Act)	
Accessibility Guidelines;)	Docket No. 2011-07
Electronic and Information)	RIN 3014-AA37
Technology Accessibility Standards)	

**COMMENTS OF
NATIONAL ASSOCIATION OF THE DEAF,
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK,
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.,
ASSOCIATION OF LATE-DEAFENED ADULTS, INC.,
HEARING LOSS ASSOCIATION OF AMERICA, AND
CALIFORNIA COALITION OF AGENCIES SERVING THE DEAF AND
HARD OF HEARING**

National Association of the Deaf (NAD), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Association of Late-Deafened Adults, Inc. (ALDA), Hearing Loss Association of America (HLAA), and California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), collectively, the “Consumer Groups,” submit their response to the request of the United States Access Board (Access Board or Board) for public comment on its rulemaking relating to its standards for electronic and information technology as well as its guidelines for telecommunications accessibility.¹ We represent approximately 36 million deaf and hard of hearing Americans and appreciate this opportunity to submit comments in this rulemaking.²

¹ *Telecommunications Act Accessibility Guidelines; Electronic and Information Technology Accessibility Standards, Advance Notice of Proposed Rulemaking*, Docket No. 2011-07, RIN 3014-AA37 (December 8, 2011)(“ANPRM”).

² A recently released study by Johns Hopkins School of Medicine actually found that more than forty-eight million Americans over the age of twelve—almost one in every five people in this country—are deaf or hard of hearing. Thus the 36 million estimate we’ve been using is probably too low.

We fully support the proposed language clarifying the relationship between the functional performance criteria and technical provisions in the ANPRM. Requiring consideration of functional performance, even when the technical provisions are satisfied, is absolutely essential to ensuring accessibility for all people with disabilities when using Information and Communication Technology (ICT). We have responded to questions relevant to deaf and hard of hearing people in the ANPRM below.

Question 5:

Even though WCAG 2.0 allows a non-conforming website to be considered compliant if there is an accessible mechanism to reach an accessible version of the webpage that is up to date and contains the same information and functionality as the inaccessible webpage, we share the Board's concerns about the existence of two separate websites: one for individuals with disabilities and one for individuals without disabilities. Such a dichotomy is the technological version of a "separate but equal" approach and should not be the standard.

Specifically, we believe that such a separation of accessible and inaccessible formats is problematic for deaf and hard of hearing people, especially as online video programming becomes more widespread. We have seen situations where uncaptioned videos are posted online along with transcripts or links to web pages with transcripts. Such transcripts should never be considered as acceptable alternate versions. Video programming provides both visual and aural information which are meant to be enjoyed simultaneously. It is not possible for a deaf or hard of hearing person to read a separate transcript and follow video programming simultaneously. Making a deaf or hard of hearing person read the transcript separately from the video forces the reader to expend significant energy, time, and repetition to obtain information from both the

transcript and the video to reach the same outcome achieved when one – should be able to get all pertinent information directly from the video. Moreover, it is not difficult to add captions to online video programs. In fact, websites such as YouTube allow individual users posting videos to easily add their own captions.³ It is important that alternative forms of compliance provide equal or better access to all the information on all websites – both visual and aural.

Question 7:

A. Video Phones / TRS

In recent years, deaf and hard of hearing people who use American Sign Language (ASL) have largely migrated from TTYs to Video Phones. Video Phones allow deaf and hard of hearing people to communicate with each other through video conferencing software and/or hardware. These phones also allow them to connect to Video Relay Services and make relay calls in ASL to hearing parties including businesses, employers, etc. We encourage the Board to recognize Video Phones as an example of an alternative method under “Advisory 603.3 Effective Communication.”

The section has several definitions for terms and phrases but does not include definitions for “Video Phone” (VP) or “Telecommunication Relay Services” (TRS). These terms are utilized in this guideline and should be appropriately defined. The definition of TRS should be all-encompassing and include all the different forms of TRS.⁴ It is important that these guidelines include the latest communication technology/services for deaf and hard of hearing people as well as clear definitions to help guide those unfamiliar with these technologies/services so they can best provide the necessary accommodations. More importantly, the guidelines and

³ *YouTube: Captions and Subtitles*, http://www.youtube.com/t/captions_about.

⁴ *FCC Guide to TRS*, <http://www.fcc.gov/guides/telecommunications-relay-service-trs>.

definitions should not be tied to specific technology existing today, and thereby allow for advances in technology within this field.

B. Assistive Listening Devices

In the past, audio output connection points have been readily available on ICT hardware where audio is delivered. Those connection points have allowed users to external devices to augment the audio, such as loudspeakers. Those connection points have also allowed assistive listening devices to link directly to the hardware to augment the sound for people who are deaf or hard of hearing.

Recently we have learned that some ICT no longer have any ports at all for audio output so there is no way to make a connection to an assistive listening device. These changes could result in a profound negative impact on people who depend on assistive listening devices and make the proposed requirement as it is stated now irrelevant.

People who use assistive listening technology must have a way to connect their assistive listening device to the audio of the ICT. While at one point, there was no apparent need to require that there be a connection point itself, we believe that has changed, that there is now a need to require that the hardware include external connection points unless and until there is another way developed that couples the assistive listening device to the source of the audio. We agree with the Access Board that where connection points are provided, at least one of each type of connection must conform to industry standard non-proprietary formats.

Further, we suggest that the language of Section 406.1, be changed to the following:

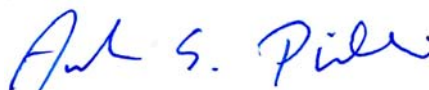
406.1 General.

Where the ICT delivers sound, audio output connection points shall be provided unless and until an alternative manner of coupling is provided that delivers the audio from the ICT to the assistive

listening device. Where connection points are provided, at least one of each type of connection shall conform to industry standard non-proprietary formats.

We commend the Board for addressing these important issues and ask that our recommendations be thoroughly considered.

Respectfully submitted,



Andrew S. Phillips, Esq.
Policy Attorney
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

Cheryl Heppner
Vice Chair
Deaf and Hard of Hearing Consumer
Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, VA 22010

Claude L. Stout
Executive Director
Telecommunications for the
Deaf and Hard of Hearing, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910

Brenda Estes
President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane, Suite #2
Rockford, IL 61107

Brenda Battat
Executive Director
Hearing Loss Association of America
7910 Woodmont Avenue, Suite 1200
Bethesda, MD 20814

Sheri A. Farinha
Vice Chair
California Coalition of Agencies Serving the
Deaf and Hard of Hearing, Inc.
4708 Roseville Rd, Ste 111
North Highlands, CA 95660

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