

Before the Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | GN Docket No. 21-140 |
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| Consumer and Governmental Affairs, |) | (MB Docket No. 11-43, |
| Media, and Wireless Telecommunications |) | MB Docket No. 12-107, |
| Bureaus Seek Update on Commission's |) | MB Docket No. 12-108, |
| Fulfillment of the Twenty-First Century |) | CG Docket No. 10-210, and |
| Communications and Video Accessibility Act |) | CG Docket No. 10-213) |

The American Foundation for the Blind is a national nonprofit working to create a world of no limits for people who are blind or visually impaired by mobilizing leaders, advancing understanding, and championing impactful policies and practices. AFB appreciates the opportunity to provide comments on the implementation of the Twenty-First Century Communications and Video Accessibility Act. As a result of the Commission's efforts over the last decade, people who are blind or have low vision have enjoyed expanded access to communications and video programming that has facilitated inclusive employment, education, and independent living. Meanwhile, many companies have expanded their accessibility offerings. Nevertheless, there are certain aspects of the law that could be implemented more fully, and additional barriers remain that admittedly may fall outside the current authority of the Commission. We outline a few barriers to communications access and urge the Commission to consider all available tools including regulation, education, and awareness to resolve them.

Advanced Communications Services

The Commission should closely evaluate the shift to video and IP-based communications and pursue opportunities to strengthen Commission rules that promote and require accessibility for modern communications systems. During the pandemic, most industries, schools, and communities adopted some form of virtual IP-based communications that included various combinations of two-way audio, visual, and textual communications, including video conferencing and chat functions. In many cases, multiple forms of communication are embedded within other software programs. The Commission should consider updating the regulations and/or strengthening enforcement to promote access to all forms and aspects of communication, including initiating and receiving audio, visual, and textual communications; use of assistive technologies, including captioning and audio description where applicable; and managing both participant and host functions, such as but not limited to screen sharing, muting participants, and activating security features. For example, reliable and complete access to video conferencing platforms, including those embedded within other software programs, would enable equal participation in the workplace and better access to remote classrooms that rely on a wide array of tools for communication and interaction.

Audio Description

Recent proposals for waiver of audio description rules have sought to greatly exceed the limited number of hours required by the CVAA, in exchange for limited exemptions from other rules. Such waivers, along with recent settlements by Internet-based video programming providers and distributors, have demonstrated the growing availability and economic feasibility of audio description at a greater scale than 87.5 hours per quarter.¹ Acknowledging the significant limitations in the law, the Commission should nevertheless endeavor to expand audio description requirements as widely as possible. Of particular benefit would be efforts to expand the markets, channels, and hours of audio described programming; implement audio description quality standards; expand the number of available SAP channels; require IP-based video programming providers and distributors to deliver audio description; and require local stations to publicize an appropriate point of contact for resolving local problems with the transmission of audio description.

- The Commission should implement audio description quality standards and best practices that clarify providers' and distributors' obligations to the consumer regarding achieving quality video programming accessibility.
- The Commission should consider requiring multiple SAP channels to provide access to video programming to a greater number of consumers. Both the Spanish-language and blind and low vision community deserve access to programming, and neither group should be excluded from programming, especially when it is available with both Spanish audio and audio description, because there is only one SAP channel.
- The Commission should acknowledge changing video programming practices and viewing patterns by evaluating the feasibility of expanding the audio description rules beyond the top five non-broadcast networks and applying both the audio description and accessible interface rules to IP-based programming providers and distributors.
- To facilitate complaint resolution in a timely and convenient manner for consumers, the Commission should require local stations to publicize an appropriate point of contact for resolving local problems with the transmission of audio description in real-time. Often stations have a qualified individual who is the appropriate contact for people seeking to resolve problems specifically with audio description, but consumers do not always know how to contact that individual.

National Deaf Blind Equipment Distribution Program

The I Can Connect program is a promising source of accessible telecommunications equipment for low-income people who are deafblind. As this program continues, the Commission should evaluate the consumer impact of the program and determine whether the study indicates additional ways to improve the program, both within and beyond the statutory authority of the Commission. In particular, it would be beneficial to study the scope and definition of the

¹ See Settlement Agreement, ACB et al. and Netflix, Inc., April 14, 2016; and Settlement Agreement, ACB et al. and WarnerMedia Direct, LLC, September 24, 2020.

program, which consumers are or are not being served, and the adequacy of the current funding.

Access to Emergency Information

Early in the pandemic, AFB conducted the Flatten Inaccessibility survey about the experiences of blind and low vision adults. Participants were asked about their agreement with the following statement, “I am concerned that visual information about the COVID-19 pandemic is being shown on the television and that this information is not accessible to me.”² On average, the 1,692 respondents who answered this question were more like to agree than disagree with this statement. Those who were older and had little or no functional vision were more likely to express concern about the accessibility of information. The pandemic was considered a public health emergency, but pandemics are not among the example emergencies listed in the commission rules in §79.2. Many individuals struggled to access information presented in graphics, maps, charts, or other visual formats on television through newscasts, press conferences, and other programming during which public health information was distributed. We strongly encourage the Commission to evaluate the accessibility of emergency information, government press conferences, and other critical sources of public information presented through television and make any necessary adjustments to the emergency and audio description rules to improve access to information in all types of emergencies. Additionally, the Commission should reiterate the existing obligations of covered entities.

Conclusion

AFB appreciates the opportunity to comment on the fulfillment of the CVAA. We look forward to working with the Commission to achieve greater access to communications and video programming for people who are blind or have low vision. If you have any questions about these comments, please do not hesitate to contact Sarah Malaier, smalaier@afb.org.

Sincerely,
/s/ Stephanie Enyart

Stephanie Enyart
Chief Public Policy and Research Officer

² Rosenblum, L. P., Chanes-Mora, P., McBride, C. R., Flewellen, J., Nagarajan, N., Nave Stawaz, R., & Swenor, B. (2020). Flatten Inaccessibility: Impact of COVID-19 on Adults Who Are Blind or Have Low Vision in the United States. American Foundation for the Blind. p 22. www.afb.org/flatteninaccessibility