

United States Access Board Public Hearing on the ICT NPRM,
March 11, 2015
Access Board Conference room Suite 800
Washington, DC

>> ROSEMARIE BUNALES: Okay. Thank you very much. Mr. Chairman?
Whatever you are ready.

>> SACHIN PAVITHRAN: We are ready to go, Rose?

>> ROSEMARIE BUNALES: Whenever you are ready, Mr. Duff.

>> DUFF JOHNSON: Hi there. Thank you once again to the ladies and gentlemen of the US Access Board, thank you very much for the opportunity to testify before you once again. I would like to speak with you today about PDF/ UA, the iOS accessible standard for PDF technology.

Since PDF/ UA was first published in the summer of 2012, strong interest has generated a wide variety of technical resources, supporting documents, products and statements of commitment. These include software supporting PDF/ UA from at least 12 vendors including free PDF/ UA Checker, a commitment from Adobe Systems, PDF's inventor, to integrate support for PDF/ UA into their products. AIM has published a mapping to WCAG 2.0 and two technical implementation guides. These are published by the ISO standards original author and are freely available from AIM.org. And the PDF associations Matterhorn protocols and PDF/ UA reference suite are authoritative documents, and examples that make PDF/ UA more approachable for developers. These are also available for free from PDFUA.org. The German DVBS, the association for blind and partially sighted users, is preparing a German translation of the Matterhorn for use in legislation less equivalent to our use of the Section 508. In addition, the Library of Congress has recognized PDF/ UA and they have stated in their digital preservation website that files conforming to this into PDF/ UA are considered a preferred format for page oriented content.

PDF/ UA's influence is also felt in banking and transactional communications. For example, Bank of America and Capitol One customers may now download accessible PDF versions of their statements from the banking websites. As someone who communicates regularly

with the world of PDF software developers, I can assure the Access Board that these sorts of developments would not have occurred without PDF/UA. Developers need the technical specificity of the standard to know unambiguously whether or not they have done the job right. PDF/UA provides the certainty necessary to investment in accessibility solutions for PDF documents. I am confident that the Access Board's choice to require PDF/UA conformance for PDF documents will accelerate the development of software and policies ensuring all manner of documents are available to all users.

There are several challenges with respect to employing PDF/UA and I would like to address a few of them briefly here. Although dynamic XFA, JavaScript and audiovisual content appears in a tiny proportion of PDF documents, the volume and use cases are not insignificant. PDF/UA does not focus on these types of content. Where PDF documents contain these features, therefore, applicable WCAG 2.0 provisions should be met using sufficient techniques in addition to PDF/UA conformance. Although PDF/UA refers to WCAG 2.0 on the subject of contrast, the reference is made in a note rather than normative text. From a regulatory point of view, therefore, it may be easier to simply state that in addition to conformance with PDF/UA, content must adhere to contrast provisions in WCAG 2.0.

It's entirely correct to use technical standards appropriate to specific content types. A butcher is not the right person to tell a baker how to get his bread right. A baker is not the right person to tell a butcher how to cut meat. WCAG is quite correctly oriented to the world of web pages while PDF consists primarily of static documents. While there is much overlap the subjects are technically distinct, each is worthy of full treatment on its own terms. The simplest way to explain the relationship between PDF/UA and WCAG 2.0 is to say that PDF/UA, for the vast majority of PDF documents, is the appropriate, sufficient technique for conformance to WCAG 2.0. As noted above, PDF/UA does not fully address all types of content possible in PDF documents and in these cases WCAG 2.0 conforming sufficient techniques are appropriate in addition to PDF/UA

conformance.

In thinking of the future, PDF 2.0 is already a draft international standard and is at the end of its development cycle. The publication is expected next year. PDF 2.0 includes powerful, new accessibility features, such as support for document fragments, new standards structure types such as emphasis to address real world semantics missing from PDF 1.7, support for MathML and the ability to integrate third party tag sets such as Daisy. PDF 2.0 will be accompanied by PDF/ UA 2 and update and leverage the features of PDF/ UA 2 and provides other clarifications. Generalizing the Section 508 rules to require PDF/ UA generally rather than simply specifying PDF/ UA 1 would allow usage to involve naturally from PDF/ UA 1 to PDF/ UA 2, and as PDF 2.0 replaces PDF1.7 in the marketplace. This would reduce the potential for confusion and accelerate uptake of the features of PDF 2.0 and PDF/ UA 2 and by software developers who might otherwise be inhibited by the requirement for PDF/ UA 1. It would be unfortunate if vendors were unable to deliver

>> SACHIN PAVITHRAN: Mr. Johnson, could you wrap up in 30 seconds?

>> DUFF JOHNSON: Yep. Unable to deliver the advanced accessibility features of PDF/ UA 2 to government agencies and users due to inability to use the latest version of PDF/ UA. So, I suggest the Access Board consider the possibility of referring to PDF/ UA as a whole, rather than in term of specific parts. Consistent with these observations I will propose comments, for the record, that will offer specific changes to the regulations text.

Finally, I would like to thank the Chair and the members of the Access Board for the opportunity to comment on the NPRM as you continue this rule making process. I am happy to answer any questions that you might have. Thank you very much.

>> SACHIN PAVITHRAN: Thank you for your comments. Up next is Mr.

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Kelly Buckland. Followed by him would be Miss Lauren McLarney.
Kelly Buckland? Lauren McLarney? Following Miss Lauren McLarney will be
Ken Salaets.

>> LAUREN MCLARNEY: Good morning, my name is Lauren McLarney
Manager of Government Affairs....Government Affairs of the National
Federation of the Blind. You have already heard from my colleague Mark
Maurer, our immediate past president, at CSUN. I will touch on some of
the comments that he made and keep my statement brief. I know that
there were in this timeline there have been a lot of comments from the
public and I think there are a lot of things in your control and a lot of things
out of your control. We are happy that it reached this phase. We are
hoping for you to bring it to a finish.

So, I would like to touch on the things that we are happy about in the NPRM.
First we support the decision to incorporate WCAG by reference. This
makes it easier for the Board to refresh the standards in the future without
having to start from scratch and it streamlines the network of stakeholders
outside of the federal government that are invested in accessibility.
Second, we applaud the decision to transition from product based criteria
to functionality based criteria. This makes the proposed rule flexible and
applicable to future technologies. Third, we thank the Board for its
appropriate response to the preliminary regulatory analysis findings. By
improving accessibility of information that communications technology in
the federal sector, the Board is indirectly improving the accessibility of ICT
across society. It is this investment that brings the ultimate financial
returns.

The Board rightly acknowledges the fact in the NPRM when you state that
most of the significant benefits expected to accrue from the proposed rule
are difficult if not impossible to quantify, including greater social equality,
human dignity and fairness. Indeed, there is no way of measuring just
how much is lost when an entire population of people is kept from full
participation in society. So, thank you for making that comment in the

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NPRM.

There are two constructive comments that Dr. Maurer made at CSUN that I would like to elaborate on a little bit. One is social media. The Board has proposed that all social media meet WCAG standard. We like that. But I think social media is so popular the majority of agencies are going to say, "We cannot control what Facebook Twitter and other social media sites do, and we need to utilize it, so we are going to anyway." And I don't think that that is something that the Board can necessarily fix. In an ideal world we want all agencies to say we are not going to post on social media all of those sites would feel pressure from the market to make modifications. We suggest requiring agencies to follow the Authoring Tool Accessibility Guidelines. If at least they are going to post on a non-WCAG compliant site, they have taken steps to assure that they have made their content accessible.

Second, the standards for software and interoperability are expansive enough to cover mobile platforms but we encourage you to explore adding things for mobile applications specifically. WCAG does not directly address mobile apps. I know they have application and have guidance but content delivered on a mobile platform or mobile app is technically covered but they are unique and specific. It's not enough for the agency to focus on assuring desktop and mobile platform accessibility. We urge the Board to look at supplementing the WCAG standards with some additional mobile application specific criteria. Perhaps looking at the Apple Guidelines or Accessibility Android has some application here too. I think the National Federation of the Blind, among others, believe the Apple guidelines are the best place to start. Thank you for the opportunity to come here. We look forward to working with you and bringing this to a finish.

>> SACHIN PAVITHRAN: Thank you. Up next is Mr. Ken Salaets.

>> KEN SALAETS: I appreciate the opportunity to appear before you today. This is my fourth chance to sit before the Board and talk about

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Section 508. At ITI we represent ICT manufacturers from North America, Europe and Asia. We have 59 member companies – everybody from Adobe and every point in between. Next year we reach our 100th anniversary. We expect to throw a party and have a wide invitation list.

It is a privilege to serve on advisory committees, and, in fact, we have really moved beyond just working with the Access Board as an agency. We have made friends among many of the staff and we very much appreciate that --ITI appreciates the process that the Board applies in terms of engaging manufacturers in addressing the issue of accessibility. It's collaborative. We have debates, we have many conversations, it's very open and as a consequence of the process, by the time the standards are finalized, we have-- our members have a good sense of what it is required of them to address the needs of federal agencies to acquire accessible ICT.

We wish all agencies worked that way. We think it's constructive. Again, we applaud this openness. ITI is the creator of the product accessibility template, the VPAT. We said in the past we are committed to revising the VPAT to align with the revised Section 508 standards. We will accelerate once we deliver your comments. With the ANPRMs we developed groups to evaluate the rule. We realize we are in an informal competition with Jim Tobias to see who could file the largest comment. He topped us last time, but we are ready to go this time. We held our first meeting this past Monday and will continue to do so, on a regular basis.

My purpose today is not to provide a detailed reaction but a few flaws. We applaud the Board's notion of aligning Section 508 with the new European Union standard on accessibility. However, we urge the Board and staff to further align 508 with the accessibility standard from the EU, primarily because as manufacturers, our goal is to really focus on innovating products that meet the needs of consumers and not on addressing different administrative technical requirements that might arise in different markets. I would like to say for example, whether an individual is blind in Brisbane, Brussels or the Bronx, the technical solution to provide

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accessibility is essentially the same. There is really no need in many respects to have different requirements that require additional costs and expense. So we hope we can achieve greater harmonization. We have begun an analysis between the proposed rule and the European standard and will provide a detailed response to that in our comments.

We also, in terms of the initial concerns, we would like to identify two areas. One is the real-time character by character text capabilities and requiring that the device with visual displays provide text to speech voice output. While we appreciate the technology, we question whether the technology is needed by the vast majority of individual consumers inside or outside of government. There are many obstacles that render implementation difficult at best, including the need for carriers to upgrade and need for manufacturers to redesign the voice application on devices and the need to address interoperability challenges which we all face.

Case in point, I use AT&T system on my smartphone; my wife uses Verizon. If she sends me a text message I may not get it for 10, 20 hours. That's not an issue of technology per say, but an interoperability challenge all of us experience. I am not holding up the carriers to blame. That's just one of the areas that have to be resolved before technology can move forward. Regarding that, I'm sorry there are many obstacles. On paper these obstacles may seem to be minor matters, some may argue that. We assure you that is not the case. Nevertheless, again, we will file detailed documents on this issue in what we file.

Regarding the mandatory requirement for voice output, we are concerned that the requirements of the standard may be overly broad. For example some products that have basic character displays simply do not have internal resources such as sufficient memory and processor power to perform text to speech conversions. This will necessarily start the redesign of some products. It is unclear whether such changes could be incorporated into the products within the next timeframe, assuming that after the 90 day comment period the Board needs to take time to evaluate

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the comments and staff and then it goes back to OMB and we see where it goes after that. Nevertheless, again, we will address specific issues concerns in our comments, and in each case we will endeavor to provide solutions to what we think the Board is endeavoring to address for the provisions.

These are just a few of the issues that we have flagged, but these are the ones that jumped out immediately. We appreciate the 15 year relationship we have had with the Access Board. Accessibility is essential not only to our customers but in the case of the ICT industry, to meet our employees' needs. We look forward to advancing 508 and continuing to hold it up as a model for the rest of the world. I thank you for all you did on this. Thank you very much.

>> SACHIN PAVITHRAN: Thank you for your comments.

>> HANS VAN WINKLE: I have a question.

>> SACHIN PAVITHRAN: Go ahead.

>> HANS VAN WINKLE: Thank you. I have a clarifying question. You mentioned that the need to align our rulemaking with European standards so that there is harmonization makes sense, I certainly appreciate the comment. And you also told us you are going to provide us some details. In that regard, can you give us a sense -- are we far off? Is this a major issue or is this going to be minor alignment between the two?

>> KEN SALAETS: In some cases it will be minor, in some cases it may be major. So, I had the privilege of also serving on the European Commission's project team on the European standard. One of the challenges that we have... you ...they have had, is the different time frames that elapsed in terms of development of the respective standards. 508 has always been foremost I think in a global basis clearly in the U.S. market but now that the EN is in the marketplace -- the EN is what they call the

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standards -- European norms. They are designing and developing products to address the products reflected in the standard. Ideally we would like to be able to have one product for the world if we could design and develop and deliver one solution that works exceptionally well in Europe as well as U.S. the rest of the world will follow. In fact we will be out advocating that around the world. ITI is a global organization. Most of our clients are multi-national organizations. Accessibility is something we talk about whether in Africa, South America, or wherever we are.

>> SACHIN PAVITHRAN: Thank you we look forward to your comments.

>> KEN SALAETS: Thank you.

>> SACHIN PAVITHRAN: Thank you, Mr. Salaets. Next up is Miss Eileen Ley followed by Aveoo--Avonne Bell.

>> EILEEN RIVERA LEY: Good morning, my name is Eileen Rivera Ley. My company is Ley and Associates. Basically I do accessibility advocacy work, particularly in the area of low vision accessibility. The national health surveys of 2012 estimates that 20.6 million people in the U.S. -- I mean adults, that's one out of 10 adults have trouble seeing even though they are wearing glasses or contacts. About 1 million of those people are blind and use nonvisual access. However, another 19 million of those people can benefit from low vision accessibility that we need on our technology. Kind of interesting but my husband is totally blind and I have low vision, so we call ourselves a mixed marriage.

(LAUGHTER)

>> EILEEN RIVERA LEY: But what really has been a frustration for us is that he has more access to information through his screen reader than I do through my low vision accessibility features. And I feel like this population is seriously underserved. One of the things that I am very

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happy about in the Standards is the emphasis on contrast. Contrast is a very, very important feature, all else being equal. If you can invert the contrast, something becomes visible that was originally not readable. One of the features I will give an example for-- an example-- on my iPhone I use a lot of the inverse contrast feature, but I feel like at this point in our technology, we have the ability to create smarter inverse contrast. What happens globally, technically, is you will invert the contrast on an image and so everything gets inverted, including your photographs. An inverted photograph isn't as useful as a regular photograph so it would be very important if we could try to focus on inverting contrast just in the text and graphs, as opposed to images.

Also, what happens a lot with devices, even ones as good as Apple, is with those technologies, is, in the very same app, the very same device, it keeps changing between inverse and non-inverse contrast so that you have to continually change your settings. It seems to me that the technology when we try to promote contrast -- inverse contrast, should allow for the system to understand that you need to keep it with the dark background and light letters, for example. I hope that's clear. I am not a techie, so I hope I am explaining clearly.

It's all day long, triple clicking to change back and then you go to another part of the app -- all of a sudden it's using white on black. You have to change the contrast again. Every single function, the phone turns off and then you put your code in. But then if you have inverse contrast, it's almost impossible to see the numbers. And you have to turn on the inverse in order to put your code in, so when it unlocks you, you inverse it again. As you can see it's a very long day. You are going to wear out a lot of buttons with this triple clicking. I hope that's an example that shows we have the ability to have smart-- smarter contrast. And we need large controls and contrast. I know the standard is going to -- for web accessibility to be the A and AA, but when it comes to the contrast issues, I feel that the AA is not sufficient. I feel like we should encourage producers whenever possible to stretch and reach for the AAA standards in

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text customization features. Even though you may not be able to require it we should allude to the fact that this would be the ideal and that companies should be encouraged to pursue that level of accessibility, not just the bare minimum with the A and AA. Thank you very much.

>> SACHIN PAVITHRAN: Thank you Miss Ley.

>> NANCY STARNES: Sachin, excuse me I have a quick question for... this is Nancy Starnes. I know our list says that you are here as a private individual --- I am over to your left. A private individual, but you did happen to mention an association that sounded more like a professional relationship. Can you repeat that?

>> MS. EILEEN RIVERA LEY: No, I do -- I have my own company that works on promoting accessibility and trying to encourage companies to make things more accessible. That's my own personal company.

>> NANCY STARNES: Entrepreneurial. Great. Thank you very much.

>> MS. EILEEN RIVERA LEY: Yes.

>> SACHIN PAVITHRAN: Up next is Avonne Bell followed by Terry Weaver

>> AVONNE BELL: Hi. Good morning my name is Avonne Bell. I am the Senior Manager of Government Affairs at the Telecommunications Industry Association. TIA membership consists of the manufacturers and suppliers of ICT equipment and services that are supplied to a range of customers including the federal government. We appreciate the opportunity to speak to you this morning and other stakeholders on this important issue.

TIA has been a member of the TEITAC and has been actively engaged with the Board over a decade on updating the standards since the beginning of the proceedings. We recognize the critical nature the work and support

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the efforts to achieve the goal that people with disabilities have innovative advanced technology. While we were supportive of the Board's efforts we would like to briefly highlight our concerns today.

One of the first issues that we have is with respect to the proposal to have real-time voice communications be enabled with real-time text functionality. The seemingly expansive requirement is problematic. It makes underlying assumptions that may not be accurate concerning the state of the technological ecosystem that would have to be in place to derive incremental benefit from real-time text. It requires a redesign of software voice applications in products today to integrate the new messaging approach. The proposal would have a significant impact on the network infrastructure. As currently designed, it is not able to support this technology. To facilitate the interoperability specified and provide the functionality, it would require not only manufacturers to update their equipment and devices, but also it would require significant changes to the existing carrier network. This would be overly burdensome by limiting the flexibility and design process and increase the cost of manufacturing and design. We would like to note the Board states the preliminary analysis cannot consider the -- did not quantify or monetize the compliance cost related to the RTT proposal. Industry will have to do some further detailed analysis on this issue and provide more details in our official response to the NPRM. But suffice it to say, this proposal is a fundamental change with broad sweeping impacts on multiple stakeholders.

Another major concern that we have identified so far is that industry stakeholders have consistently stressed the importance of harmonizing procedures and standards with the European approach. We recognize that the Board talked about its efforts to harmonize proposed standards with European ICT accessibility activities. We appreciate the efforts to consider the issues. There are a number of key areas the Board chose to pursue. The European standard affords the design flexibility needed to achieve the desired outcome. Some examples of this are with respect to

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the fact that the NPRM states in certain areas that it's similar to the European EN in that they both use functional performance criteria. The Board's proposals seem to be somewhat more prescriptive than those used in the European standard. Unlike the European approach, the Board does not simply outline the desired outcome. The NPRM takes a restrictive approach identifying the mechanism and solution by which the outcome is achieved.

Another example is the user controls for caption control and audio description. We have some concerns that this proposal might be overly prescriptive in that it also lacks flexibility, with such a specific solution. This would seem to require manufacturers, at least in the case of smartphones, to specifically include a dedicated hard button interface for this functionality. This proposal is contrary to the outcome-based approach adopted in Europe. Furthermore it seems to be in direct contrast with the treatment the CVAA has given to this issue. These issues are critical as the marketplace for ICT goods is not constrained by geographic borders. It may result in outcome of an -- enabling manufacturers to design ----TIA believes the limited harmonization approach is unsustainable for industry by requiring manufacturers to build devices specific to each region. These variations may ultimately limit benefits the Board intended to be gained from harmonized standards. We encourage the Board to adopt rules that support the concept of "build one, sell everywhere" which benefit the overall marketplace for accessible goods.

In conclusion, we really want to thank you for the opportunity to share some of our initial views of TIA and its members. We look to provide more detailed feedback on the matters and other aspects of the NPRM during the comment period. We look forward to working with you on the development of the rules most appropriate and achievable for achieving the desired goals.

>> HANS VAN WINKLE: Miss Bell thank you for your comments. You were

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concerned with the costs of conversion to meet the standards. In what time could you provide those? What is it about your process of how you are determining what the costs would be?

>> AVONNE BELL: Well, we have had some -- like we have had so far one initial meeting with the members. I know the members are working internally within our companies to try to figure out more specific information on the exact cost benefits that something like the RTT requirement would have on their company, in they had to specifically build that into the design of their product. I don't have exact numbers at this point. Hopefully within the next month or so we can have some more specific information on that.

>> HANS VAN WINKLE: Thank you.

>> SACHIN PAVITHRAN: Thank you Miss Bell. I apologize for the names I was slaughtering. My name is slaughtered as well anyway.

(LAUGHTER)

Up next is Terry Weaver, followed by which will be Jonathan Avila.

>> TERRY WEAVER: Good morning. Thank you for having me here. I am coming to speak. My name is Terry Weaver. I do have my own consulting company. I am speaking primarily as myself. I retired from the federal government three years ago and had something to do with working with 508 while I was here. My question, I basically have two points I am raising. I do want to start by saying that I am very impressed by the product. You guys did a great job. Way to go! I know it's hard. I sat in these meetings in earlier times. There are a lot of questions--there will always be lots of questions. My one area is in regards to questions one and two, talking about the RTT, which is a popular subject. I was not coming at it today in terms of the technology issue. My question was actually to address the usage of it within the federal space. I was going to

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make it my comparison is, I don't know how many of you have been the recipient of or the transmitter of butt dialing calls. I know I get them. I am saved from hearing a lot of bad things that I don't want to hear particularly coming from a teenager of mine because it's in a purse or pocketbook. I hear muffled voices or sounds but I don't know what they are saying and they can always apologize; they were at the library -- they didn't know they did that.

I also know that I like many other people have a tendency to respond quickly to questions, maybe sometimes too quickly with a little bit too much emotion involved. I will type a text message, and rescind it quickly before I send it. If we moved texting into everything that I put out to the keyboard -- it now shows up, I think we have a problem. I am hoping we are looking for an app solution here that would come in through the RTT process. We could have an app so that the federal workers have both the aspects available: they don't start having major problems -- problems with their kids because they are telling them things or hearing things they didn't want to hear from them. I am encouraging your looking for an app icon in that situation. I think there will be a lot of problems within the government space if we automatically transmit everywhere we are keying in. I recognize the connection to voice calls. I do point out we have mute buttons sometimes on voice calls too for that reason.

The policy area that I wanted to mention goes back to, actually to the importance of the -- the NPRM and the preamble. The preamble is the document that's going to live for a very long time. We look at it now we know what it means. I will tell you, having lived from the preamble with the previous 508, the sense of the Board's intent is very important. When you are looking at and making changes to this I think it's essential that you clarify what the Board intends here. Don't assume the terminology you are using will be understood in 10 years. They will be looking for something in 10 years' time. GSA, I hope, is going to incorporate it, and will work with the Board in providing guidance in the future. GSA does provide additional information to what can be a particularly dry document.

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Particularly important is because the technology you are addressing in trying -- the importance within this document in the preamble is to ensure people understand the intent to not eliminate new evolving technologies. It's not as clear when you read the actual document itself. So my -- I would like to see additional language put in there that talks to the recognition that the document will not stay with the rulemaking. In the FAR it's going to exist separately, but we need for it to be continued on and be used in other matters also -- and that's it.

>> SACHIN PAVITHRAN: Thank you Miss Weaver. Up next is Jonathan Avila and followed by him will be Alejandro Moledo.

>> JONATHAN AVILA: Great. Thank you my name is Jonathan. I am with SSB BART Group Accessibility Solutions Provider. Today I am only speaking on behalf of myself as a person with a disability. SSB will provide comments in the future.

I want today to thank the Board for this opportunity. Thank you for finally moving this closer to the finish. We are very excited to see this. In general we are supportive of the proposed changes such as incorporating WCAG. I think I personally desire to have clarifications as on several topics.

I concur with Duff Johnson and his statements and am very supportive of it. I believe there are aspects of PDF/UA that don't cover color contrast multimedia and perhaps the visual display of color information. I hope the Board will look at those factors and see PDF/UA as techniques to meet the standards, rather than a complete set of standards that make a document fully accessible to all individuals with disabilities. I have questions regarding the software interoperability sections in particular Section 503.2 User Preferences -- aimed at applications that are also platforms, like media players, JAVA, flash, et cetera. It appears to exempt some of those from following the end user preferences for color contrast font and focus. My concern is that there is not a really good fall back to

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make sure those things are accessible to people with low vision. So, I believe I want to make sure that we are not losing some of the accessibility that we had in the current 508 software standards, accidentally by rearranging things.

I feel like we may be losing some of those. I know there is another section 502.2 talking about interoperability of accessibility features. But if items are exempt from 503.2 I am not sure how 502.2 also applies. I want to make sure we don't lose access to these other platforms that support cursor blink rate, enlarged focus, user control of contrast, et cetera. I would say as a person with low vision, I don't want to use the high contrast feature. I want preferences to be able to set those colors. And if you look at software applications like Microsoft Word 2013 you have three color options in Word: gray, gray and gray.

(LAUGHTER)

>> JONATHAN AVILA: And they are not very accessible for people who have normal vision. The only option to change is to use like high contrast and turn your whole display into using the high contrast settings of Windows. So I think we want to promote vendors to have more options in their products.

Finally I want to talk about the functional performance criteria. I know some agencies rely on the functional performance criteria. Historically there is confusion about those -- whether you have to meet the technical requirements and the functional requirements or if you can't meet the technical then the functional. Certainly I think you clarified that in this document that you don't have to meet the functional if you have met the technical. My question is, what about the situations where the technical are met but it's not functionally usable by a person with a disability? So, I think, you know, I would like to see if that area could be discussed again.

Finally the last part I have is regarding the standards. Some of the standards may be paid standards you have to pay for. Some of these

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standards come from different sources, particularly in the hardware. A lot of times when you have a procurement in the federal government the agencies are putting all of the standards into the procurement. How is that going to look like if we have the VPAT updated? It references many different standards, you know how is that -- I am concerned there are so many different standards referenced it may be a challenge. So, thank you.

>> SACHIN PAVITHRAN: Thank you Mr. Avila. We are moving to folks on the teleconference line. First up is Alejandro Moledo.

>> ROSEMARIE BUNALES: Your line is now open.

>> ALEJANDRO MOLEDO: Okay. So "Hi." Hello my name is Alejandro Moledo. I work for the European Disability Forum. The European Disability Forum is the umbrella organization that represents persons with disabilities in the European Union through their active involvement in policy making. 15% of the European population has a disability so it should be around 80 million people with disabilities. As the policy officer in charge of new technologies, I have been involved in the last phase of the European standards, the EN 301 549. First of all, I want to congratulate you for such a really good document. We also kind of envy your document because we -- we have seen that it's clear document with clear requirements. First of all, we just wanted to congratulate you for this. And we believe the Section 508 and the European standard are compatible standards. And I just wanted to stress that in case in this revision you find some items that are not harmonized, please don't take the minimum common denominator. Ask for -- for the stronger requirement. The European standard, unfortunately-- it's a good document. It includes many kinds of ICT, but at the same time, some of the requirements from our point of view-- from the point of view of users, are not actually requirements. They are just recommendations or are just a way to create confusion in -- when used in the standard. So, my main point was -- was this.

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A question that I would like to raise was about the Total Conversation standard. When ICT provides video in high quality, why don't - why is it not required, the Total Conversion standard that could be useful for persons who are hard of hearing, deaf persons, and also other people? So, this is my question and, again, congratulations for such a great work thank you.

>> SACHIN PAVITHRAN: Thank you Mr. Moledo. Up next is Ms. Ima Placencia.

>> ROSEMARIE BUNALES: Ms. Placencia your line is now open. If you can hear me please unmute your phone. Operator could we move on to the next person? Wait a moment. Thank you.

>> SACHIN PAVITHRAN: Next person is Susan Malloy.

>> ROSEMARIE BUNALES: Your line is now open.

>> SUSAN MALLOY: Thank you. My name is Susan Malloy. I am representing the Rehab Assistance for Environmental Illness and Intolerance group as well as the National Center for Environmental Health Strategies. Thank you for this opportunity to share our observations. The definitions section of the document indicates that accessible technology is not to be provided only to people with certain access requirements, but for all people with all access requirements. In that spirit, please consider the following recommendations and determine how to include these or similar recommendations in the final rule.

Many reasonable efforts that could enable some people with environmental intolerances to live independently cost nothing because essentially they retain existing technologies or employ only the most straightforward modifications. As examples, keep landline phones as an accommodation in select phone booths and public facilities such as hotel lobbies, libraries,

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schools, and federal buildings. Install wired buzzers and intercoms by at least one entrance to public and federal buildings with signage to summon a person to come outside to meet us, such as our doctor, a clerk, our case worker, law enforcement personnel, or our child. Install flashing lights on all of the equipment similar to ATMs. Permit us to retain plain incandescent lights in some public places and designate specific areas of some facilities WI/FI-free zones. Best practices described in 602.4, 603, and 603.3 -- we are to be granted outdoor appointments if requested in confidential setting as attainable as an accommodation when a facility is inaccessible to us. For example, so we can meet in our car in the parking lot of a hospital, school, or other facility. We are to be permitted to retain land lines for our homes and in public places for telephones and computers. Do not convert essential equipment that we rely on over to the grid of WI/FI and routers. We are to be readily provided information on levels of EMS and radiofrequency by manufacturers, retailers and procurement offices so we can make choices about what technological equipment to purchase or to use.

We need an exemption or at least a best practices policy to avoid smart features in kitchens appliances, lighting, smart meters, smart security systems, for the places that we live or work or have business. I don't know language that will fit into the Board's language or what section these things should go into, other than support services. Provisions ascribed are among the most critical we could ever have. Stating as much in the ICT document will at least serve as something of a placeholder for us while we hope that less problematic equipment with adequate shielding and better electronics are being developed for everyone. Thank you for your consideration. For additional information contact me Susan Malloy or Mary Lamielle. I will be glad to give you E-mail and phone numbers. Thank you very much.

>> SACHIN PAVITHRAN: Thank you Miss Malloy. Up next is Elizabeth Kelley.

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>> ROSEMARIE BUNALES: Operator, if you have Elizabeth Kelley or Ima Placencia.

>> IMA PLACENCIA: Hello?

>> SACHIN PAVITHRAN: Who is this?

>> >> OPERATOR: I'm sorry Elizabeth is not present at this time.

>> ROSEMARIE BUNALES: Okay we will take Ima Placencia then.

>> IMA PLACENCIA: Thank you my name is, Ima Placencia. I am the Deputy Head of Unit of the Rights of Persons with Disabilities in the European Commission. We would like to thank first of all the Access Board for the cooperation during all of these years as reflected in the NPRM and the opportunity to participate in the revision of the accessibility 508 standards and the guidelines. Let me start by congratulating the Access Board for the harmonization achieved with the European standard. I have two comments to make.

The first one relates to page 34 in section H-1. It should be stated that the EN 301 549 is published by the European Organization and not by the European Commission. The European Commission did publish and issued Mandate 376 that led to the development of such a standard, as correctly quoted in that section. But the standard as such is published by the European standardization organizations. The standard is a voluntary document. In general, the European Commission can publish references to European standards in official journals when related to the use in legislation. That is not the common case. A final point-- more detail. In page 36 the use of cell phone technology in the U. S. is referred to and could be clarified to reflect the actual use of such technology. Thank you.

>> SACHIN PAVITHRAN: Thank you Ms. Placencia. Elizabeth Kelley?

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- >> ROSEMARIE BUNALES: Ms. Kelley is not present at this time.
- >> SACHIN PAVITHRAN: Moving on to Steve Hviid.
- >> ROSEMARIE BUNALES: He is not present at this time.
- >> SACHIN PAVITHRAN: Robert Naeve.
- >> ROSEMARIE BUNALES: He is not present at this time.
- >> SACHIN PAVITHRAN: Is Kelly Buckland in the room? We skipped over him earlier?
- >> ROSEMARIE BUNALES: No one is coming forward.
- >> SACHIN PAVITHRAN: Is there anything else who would like to testify?
- >> TIMOTHY CREAGAN: Yes, we have one person in the room, Mr. Jamal Mazrui.
- >> JAMAL MAZRUI: All right. I am Jamal Mazrui. I am a federal employee on leave today. I am testifying on behalf of Fed Accessibility, which is a group of federal employees with disabilities as well as contractors and members of the public who support our cause; which is to advocate for the federal government to be a model practitioner of accessibility for people with disabilities. And that includes technology and personnel-related policies. It is -- it is clear that Congress intended the federal government to be a model practitioner of accessibility because of several sections in the Rehabilitation Act. The federal government is the largest purchaser of ICT in the country, and the largest employer. So, it really does make a big difference how well Section 508 is implemented, both to the employment of people with disabilities in the federal government, and to the market generally for accessible products. We are very glad that the NPRM has been released and would like to

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emphasize that it's very important that this process continue with all deliberate speed. And be completed within this administration, because if it extends beyond this to the next presidency there will surely be significant delays introduced from the transition to a new administration.

It has been many years that federal employees with disabilities have had to bear often very poor implementation of Section 508. And to that end, we would like to encourage the Access Board to play more of a technical assistance role as envisioned by the statute so that implementation can be more consistent across the federal government. It is not uncommon, for example, for federal agencies not to have any stated method for filing a Section 508 complaint through their website. That is just one example the lack of seriousness with which many federal agencies are taking Section 508. So, to the extent that the Access Board can better promote best practices including meaningful complaint processes, that will lead to better implementation of Section 508. I would like to say that I am pleased with the WCAG reference but as long as we are going down that road, I would like to encourage more adoption of the other guidelines that the W3C has published in coordination with WCAG -- the User Agent Accessibility Guidelines and the Authoring Tool Accessibility Guidelines-- I would like to see more of those concepts adopted. Also, it's worth noting that the Federal Communications Commission puts significant value on the importance of the accessibility of web browsers on all computers, but particularly on mobile phones. And it may be worth the Access Board devoting additional attention to the accessibility of web browsers because of the great importance they play today in accessing all kind of content through the Internet. I -- our organization will probably submit some written comments later. I appreciate the opportunity to speak.

>> SACHIN PAVITHRAN: Thank you Mr. Mazrui. We will take a 10-minute break. If you want to testify, please see Kathy Johnson to register. If there are commenters that would like to testify, please indicate so by hailing the operator and we will continue after the break.

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(Short recess taken.)

>> SACHIN PAVITHRAN: We will be starting in one minute.
Welcome back everyone. Rose could you see if anyone that we have missed earlier is here in the room, now that we have reconvened?

>> ROSEMARIE BUNALES: Thank you. Yes, good morning folks on the teleconference who have not previously testified and wish to do so please press star 1. And meanwhile, I do -- okay. I see that Robert Naeve has just joined. We will give him a second to open his line. Mr. Chairman I do not see anybody on the call. But we will -- we will continue to keep trying Robert Naeve.

>> SACHIN PAVITHRAN: Is there anyone else in the room that would like to testify in the meantime? Is Mr. Kelly Buckland in the room? Are there any Board members that want to make any comment before we conclude? Seeing none -- All right. Well, I appreciate everyone who has come to this hearing today. We appreciate all of the comments.

The public comment period is open until May 28th, so make sure that you get your comments in by May 28. We appreciate all the work, like I said earlier, that the staff has done, and all of the members of the advisory committee as well. If you have any further questions, please do stick around and if you have any written comments please turn those into Kathy Johnson. Once again, thank you for coming. And that concludes our hearing today.

>> ROSEMARIE BUNALES: Operator, thank you for all of your help this morning we are formally concluded please disconnect all lines.

(End of hearing.)