

United States Access Board Public Hearing on the Information and Communications Technologies Notice of Proposed Rulemaking (ICT NPRM)
U.S. Access Board Town Hall Meeting, Salt Lake City, Utah. April 29, 2015

[The public hearing on the ICT NPRM was the third of four items on the agenda during a Town Hall meeting held by the Access Board at Salt Lake City, Utah.]

[Hearing commences]

>>SACHIN PAVITHRAN: All right. We have two items remaining on the agenda. The next item is the public hearing on the Information and Communications Technology Notice of Proposed Rulemaking (ICT NPRM). We have had two public hearings on this rule already. We had one at the CSUN conference in San Diego and one in Washington D.C. in our offices. This rule was published in the Federal Register on February 27 and it is still open for public comments.

At this time, if there is anyone in the audience who would like to make a comment in regards to this particular rule, we would like to open it up for that right now. I would like to keep the length of the comments for this hearing limited to five minutes. If you want to make a comment, please let us know and we will either get a microphone to you, or we will ask you to come forward to the table.

>>SPEAKER: Sachin, can I ask a question? Do we get to comment on the previous speakers? And if so, when is that?

>>SACHIN PAVITHRAN: We will have comments about the panelists who spoke on the two prior panels during the Open Microphone Session which will begin after this public hearing.

>>SPEAKER: So in how long do you think? An hour?

>>SACHIN PAVITHRAN: This public hearing should be done in 15 minutes, I would say. We are now starting the public hearing on the ICT NPRM. Go ahead, Cyndi.

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>>CYNDI ROWLAND: Of course, I couldn't not comment to this august group on this issue; this is certainly what we live and breathe at Utah State in WebAim.

So, to the members of the Access Board, I'm providing public comment on behalf of two organizations today. Both are projects out of Utah State University as you know, and both focus on issues of Web accessibility within the broader topic of electronic and information technology covered by the section 508 standards. The first is WebAIM, long respected in the Web accessibility community. The second is the National Center on Disability and Access to Education or NCDAAE, one of the many groups providing web accessibility expertise to the communities.

It should be noted, I did not mention it earlier, but the NCDAAE was an invited member of the TEITAC that made recommendations to the U.S. Access Board regarding the Refresh of the new Section 508 that's before us all now, I guess. That work was conducted from 2006 to 2008. The Access Board first published the initial Section 508 E&IT standards almost 15 years ago. I know you have heard this before, haven't you? Once in place, the standard helped many understand the federal floor for Web accessibility and how to attain it; with that said as technologies changed the standard was quickly outdated. This made it problematic for the web accessibility community. Shortly after the Section 508 rule was promulgated for E&IT, those implementing web accessibility found that following the standard could mean that creating the Web designs, applications or content could result in less than optimal accessibility. Not that the standard was wrong, but that it was insufficient to provide an accessible user experience for many with disabilities. The culprit was a set of standards based on specific technologies gone out of date or never fully implemented in ways originally envisioned.

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In fairness, the international community was plagued with the very same problems. For example, Web Content Accessibility Guidelines version 1.0 was created with specific technologies in mind too. Recognizing the problem, the community moved forward with new international guidelines from W3C. The development of the WCAG Web Content Accessibility Guideline 2.0 moved away from the problematic technology based guidelines, to ones that were grounded in principals of accessibility. This approach, which is intended to be neutral to future technology, has been widely accepted.

However, the finalization of WCAG 2.0 in 2008 created a wider gap between the federal government standard for Web accessibility and those accepted in the international community. The U.S. Access Board initiated the work of TEITAC to address the problems above and refresh the standards in 2006, with the set of final recommendations submitted to the Access Board in 2008.

The current proposed standard addresses major concerns noted above, including the need to harmonize the standard within the international community. But let me say again, the US Access Board has had recommendations to update a failing standard since 2008. Seven years of known solutions for existing problems is too long. We recognize rulemaking is a labor intensive, time intensive process, but this is too long. While there may be issues debated in the current version, it is the opinion of both WebAIM and NCDAAE that the proposed 508 standard for web accessibility must be passed and must be passed now without delay. We cannot allow the old standard to continue, as vendors further develop to that which we know creates insufficient user experiences for many with disabilities. As Voltaire said: “better is the enemy of good.” The

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field can no longer afford to tweak and improve this proposed set of standards any longer as there would be no end. Also we believe them to be a solid set of standards. While the field waits guidance from U.S. Access Board, the lives of individuals with disabilities are affected in real ways, each day. Please finalize this proposed standard now. Thank you.

>>SACHIN PAVITHRAN: Thank you Cyndi. Any more individuals that would like to testify in regards to this particular rule? Sure – Please state your name.

>>VICKI FLAKE: Mr. Chair? May I approach a moment? I will get to the mic so you can hear. Does it matter which one?

>>SACHIN PAVITHRAN: No.

>>VICKI FLAKE: I'm Vicki Flake. I'm here with Utah Council of the Blind. I agree with the previous comment it is really critical that we do pass a new standard, an up to date standard, and pass it immediately. I also would like to be sure that as we do this, that we enforce it on the level of state governments. Being here in Utah, and having been involved with blind computer access, I have been a trainer for advanced computer skills for the blind for many years now, and I find one of my greatest frustrations is that the websites in our state that deal with getting jobs are not accessible, not adequately accessible to our blind consumers. So I would like to encourage us to enforce these standards on our state governments. In Utah in particular, that would be the Department of Workforce Services and State Jobs website. We thank you for being here, by the way; we are just glad to have you here.

>>ROSE MARIE BUNALES: For the record, could you please spell your name?

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>>VICKI FLAKE: Vicki L. Flake.

>>SACHIN PAVITRAN: Is there anyone else that would like to testify in regards to this ICT rule?

>>MONICA YOUNGDELL: I would rather not sit. My name is Monica Youngdell. I'm a Board member of the Utah Council of the Blind and I am also a Salt Lake County delegate for my county. I've also been a graduate of DSBVI since 1998 and I have worked independently with Eric Carillo, who I believe is here today. He is a teacher and trainer. I am pleased with his efforts to go out of his way, and I am pleased with the efforts of Board members and the blind community and other outreach communities who have come out of their way. The Americans with Disabilities Act is supposed to help all people with disabilities. That includes blind, visually impaired, Deaf, hard of hearing, people that are mute or, I don't know what the formal word, but with a speech impediment. But everything, people that are quads, quadriplegic.

So let me suggest, that the law, that is being passed right now, requires that the website stay up to date with the technology that is coming out. Because it is racing at not a snail's pace, but racing very fast and the children, even not just the adults and teenagers, but the children are expected to keep up at school at rapid rate because everybody is coming down to smart phones, iPods, iPads, iTouch -- you name it, all these user friendly things to the sighted people. That is great if you click on the yellow image for someone with big thick glasses that can see the color yellow. For me that is not accessible or I can't click on right arrow or left arrow unless the screen reader navigates to the arrow to the right and says "yellow arrow" and has to verbalize everything because I have lost all my vision in the right eye and 99%, basically I just have light perception, in the left eye.

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So this law that you are talking about, the new law, it has to pass, because you know, how are they ever going to expect us to be real members of society, when they force us as a general public to keep up with their mass transition high technology? Please pass this law. Thank you.

>>ROSE MARIE BUNALES: Miss Monica, could you spell your last name please?

MONICA YOUNGDELL: Oh excuse me, I'm sorry. My last name is Youngdell, Y-o-u-n-g-d-e-l-l.

>>SACHIN PAVITHRAN: Thank you, Ms. Youngdell. Are there any other individuals that would like to speak? We will close this hearing now.

[Hearing ends.]