

**Statement of Telecommunications Industry Association**  
**at**  
**The United States Access Board Hearing**  
**March 11, 2015**  
**Washington, DC**

My name is Avonne Bell, Senior Manager of Government Affairs at the Telecommunications Industry Association (TIA) and I am here to speak on behalf of the association and its members. TIA's membership consists of hundreds of companies that manufacture and supply of ICT equipment and services, including to the Federal government.

We really appreciate the opportunity to speak before the Board and other stakeholders on these important issues today. TIA was a member of the Telecommunications and Electronics and Information Technology Advisory Committee (TEITAC), which advised the Board on updating these standards, and has been actively engaged in the telecommunications activities of the Access Board going back to the development of guidelines for Section 255 and functional standards for Section 508. Therefore, TIA and its members recognize the critical nature of the work that the Board is engaged in and fully supports its efforts to achieve the goal of ensuring that people with disabilities continue to have access to the most advanced and innovative information and communication technologies. Thus, I would like to acknowledge the significant efforts the Board has taken to develop standards that accomplish this goal.

While TIA is generally supportive of the Board's efforts, some aspects of the proposed rules raise some initial concerns for ICT manufacturers which we would like to briefly highlight in advance of filing more formal, detailed comments in this proceeding.

1. First, the Board's proposal to have all ICT that provides real-time voice communication to enabled with real time text (RTT) functionality. The seemingly expansive scope of the proposed requirement is problematic as it makes several underlying assumptions that may not be accurate concerning the state of the technological ecosystem that would have to be implemented and in place for users to derive incremental benefit from real-time text, beyond the current voice and messaging systems in place today. The proposal would seem to require redesign of virtually all software voice applications in products today in order to integrate this new messaging approach. Likewise, this proposal would have a significant impact on network infrastructure offered by service providers, which as currently designed is not able to support this technology. In order to facilitate the interoperability that is specified in the proposal and to provide this functionality in a ubiquitous fashion across the country, the proposal would require not only manufacturers to upgrade their equipment and devices, but would also require significant changes to the existing carrier network. This would place overly burdensome requirements on industry by limiting the flexibility of the design process and increase the cost of manufacturing and network design. It is important to note that the Board clearly states in the NPRM that its "Preliminary RIA thus neither quantifies nor monetizes potential compliance costs related to the proposed requirement that ICT providing real-time, two-way voice communication support RTT functionality." This aspect of the Board's responsibility to consider the costs of proposed rules is critical to the rulemaking process. Addressing these elements will require further detailed study by industry and additional information will be provided in the formal response to the NPRM, but suffice is to say that this proposal is a fundamental change that would have broad-sweeping impacts to multiple stakeholders.

2. Finally, industry stakeholders, including TIA members, have consistently stressed the importance of harmonization of proposed standards and many in the US Government concur with the importance of harmonization. Indeed, throughout the NPRM, the Board talks about efforts to try to harmonize its proposed standards with ongoing European ICT accessibility activities and recognize the effort on the part of the Board in this area. However, there a number of key areas where the Board chose to pursue separate rules even though the European approach affords industry the design flexibility necessary to use various solutions to achieve the desired outcome. For example,
  - a. While the NPRM states the Board’s approach is similar to Europe’s EN 301 549 because both use functional performance criteria, the Board’s proposals seem to be much more prescriptive than those adopted by Europe for certain criteria. Unlike the European approach, which simply outlines the desired outcome, the NPRM takes a more restrictive approach by identifying the mechanism or solution by which this outcome should be achieved.
  - b. Also, the Board’s proposal for user controls for caption control and audio description requires manufacturers to specifically include a caption control on devices in a prominent location equivalent to the location of volume controls. TIA and its members believe the Board is being overly prescriptive with this proposal and are concerned about the lack of flexibility presented by such a specific solution. This would seem to require that manufacturers, in the case of smartphones, for example, 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 is in direct contrast with the treatment that the 21st Century Communications and Video Accessibility Act gave to this issue. The CVAA includes significant inherent flexibility for manufacturers to determine the best solution to achieve this outcome.

This issue is crucial as the marketplace for ICT goods is not cordoned off by geographic or country borders. As a result, the Board’s approach may result in an outcome contrary to what it said it wanted to do which is to enable manufacturers to design accessible products for sale on the global marketplace that can be used in both the U.S. and Europe. Therefore, TIA believes that this limited harmonization approach is unreasonable and unsustainable for industry by potentially requiring manufacturers to build devices specific to each region. These kinds of variations may ultimately limit any benefits that the Board intended to be gained from harmonized standards. We encourage the Board to adopt rules that more closely support the concept of “build one, sell everywhere,” which will benefit the marketplace for accessible goods.

In conclusion, thank you again for providing me the opportunity to share some of the initial views of TIA and its members. We look forward to the opportunity to provide more detailed feedback on these matters and on other aspects of the NPRM during the comment period, and to continuing to work with you in the development of rules that are most appropriate and feasible for achieving the Board’s desired goals.