May 28, 2015

Docket ID: ATBCB-2015-0002 - Section 508 Comments

The Consortium for Citizens with Disabilities Technology and Telecommunications Task Force is pleased to provide the following comments to the US Access Board. The Consortium for Citizens with Disabilities (CCD) is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Telecommunications and Technology Task Force focuses on ensuring national policy on matters of telecommunications and technology, including assistive technology, help move society toward our ultimate goal of full inclusion of all people with a disability.

Overall, the CCD Telecommunications and Technology Task Force is very pleased that the current Notice of Proposed Rulemaking (NPRM) maintains its focus on harmonizing and incorporated by reference nationally and internationally accepted accessibility standards. In the near and long term, this will keep the United States in step with other countries and will allow for more rapid updates to the standards which has been a challenge over the past decade. Harmonizing with PDF/Universal Accessibility (PDF/UA) presents the same opportunity. The Task Force is fully supportive of maximizing the incorporation of external standards by reference in these rules.

The CCD Telecommunications and Technology Task Force sincerely believes that these rules must be finalized as quickly as possible. The Section 508 Refresh has been in process far too long and realistically the existing Section 508 standards became obsolete years ago. Public and private agencies have been looking to the Web Content Accessibility Guidelines (WCAG) 2.0, A and AA, as the nationally accepted access standards since they were adopted.   It is imperative that the Access Board review these comments, make the revisions deemed necessary, and publish the final rule soon.   Agencies legally obligated to abide by Section 508 standards cannot remain in a state of flux any longer. Ensuring digital accessibility is a key factor in a person with a disability's ability to be employed, live within a community, and receive an education. Even though these standards apply to the federal government, they also set the bar nationally for internet accessibility and provide for a nationally recognized set of accessibility standards to be referenced by all.

The CCD Telecommunications and Technology Task provides additional comments below on specific issues in the proposed rules for Access Board consideration.

<u>**Real-time Text**</u>

The CCD Telecommunications and Technology Task is also supportive of adoption of all of the standards found in the WCAG 2.0, levels A and AA. The standards requiring captioning on previously recorded video, live streams, and audio description on previously recorded multimedia are critical to ensuring that people with disabilities have better access to digital multimedia. However, we do recognize that extensive resources are needed to provide quality real-time text. Virtually all US states and even many territories live webcast and/or otherwise broadcast the state legislative sessions and even committee hearings with audio or video media. Very few are currently providing real-time captioning for these broadcasts. Since a large majority of states have some law or policy requiring information and communications technology (ICT) accessibility in place and many use the Section 508 standards by reference, this could set up a situation in which state legislatures decide to "roll back" a state law or policy ensuring ICT accessibility in response to what they perceive to be a requirement that cannot be met. This potential backlash is a genuine concern.

Realistically, the only way for most state legislatures to meet a requirement for real-time captioning would be to either significantly reduce the number of hours of session and hearings broadcast or utilize some sort of automated speech recognition for at least part of the broadcast hours. Of course the accuracy of automated speech recognition is nowhere near as accurate as competent human captioners.   Unfortunately, the accuracy level for human captioning services can be abysmal for live events. Assuming the requirement for captioning of all live webcasts will remain in place, it would be very helpful for supporting and explanatory information to discuss the utilization of automatic captioning and any other options that would make implementation feasible.

Text Enlargement
The CCD Telecommunications and Technology Task Force echoes the comments of others about the NPRM's approach to various forms of text or screen zooming software that benefit those with low vison. We support the refreshed Section 508 standards that specifically address the requirements for document behavior when in a zoomed state. In particular we recommend that the Access Board add a requirement that the use of zoom features does not result in the need for a person to scroll horizontally. Failure to include this as a standard or specific point of clarification would be a missed opportunity to address the needs of individuals with low vision.

Non-web Documents
The CCD Telecommunications and Technology Task Force strongly supports also addressing non-web documents in the Section 508 rules. This specific guidance will help document authors better understand their responsibilities. Including the PDF/UA-1 standards as being equivalent to WCAG 2.0 for a non-web document is incredibly valuable and will prove to be even more helpful as the PDF/UA-1 standard continues to find broader acceptance.

The CCD Telecommunications and Technology Task recommends that the final rule should clarify when PDF/UA-1 applies. In the current draft, E205.4 states that PDF/UA-1 is used "where applicable". The current wording may cause some document authors to question whether or not the PDF/UA-1 standards apply only to PDF content or to all non-web content. The CCD Telecommunications and Technology Task Force believes that the Access Board should create a clear nexus between the PDF/UA-1 standard and the PDF format.

Overall, the CCD Telecommunications and Technology Task Force recommends more guidance be provided about non-web, non-PDF documents. The Access Board cites the WCAG to ICT (WCAG2ICT) documentation as its suggested supplemental material. We are concerned that this reference material is not concise enough to be of significant value to most non-web document authors and that it may overwhelm authors to the point of inaction. It would be more helpful that the

supplemental reference material provided narrowly describe the steps to create accessible non-web, non-PDF documents in a variety of authoring environments such as Microsoft Office.

Functional Performance Criteria
The CCD Telecommunications and Technology Task Force is pleased to see the inclusion of the following functional performance criteria: 302.1 Without Vision; 302.2 With Limited Vision; 302.3 Without Perception of Color; 3.02.4 Without Hearing; 302.5 With Limited Hearing; 302.6 Without Speech; 302.7 With Limited Manipulation; and 302.8 With Limited Reach and Strength.   However, we request the addition of functional performance criterion "302.9 With Limited Cognition, Language, or Learning: ICT shall provide at least one mode of operation that minimizes cognitive, memory, language and learning skills required of the user."

Given the large and growing number of Americans with cognitive disability (primarily due to the aging of the population), we believe the absence of such criteria to be incompatible with your goal of greater accessibility.   This omission stands in contrast to the European Commission ICT Standards which address cognitive accessibility. Specifically Section 4.2.10, Usage with Limited Cognition, mentions adjustable timings, error indication and suggestion, and a logical focus order as examples of suggested design features. In addition, the Telecommunications Act Section 255 Accessibility Guidelines published in the Federal Register on February 3, 1998, includes functional performance language on cognitive accessibility.   Section §1193.41 states that "input, control, and mechanical functions shall be locatable, identifiable, and operable in accordance with each of the following, assessed independently:…. (i) operable with limited cognitive skills. Provide at least one mode that minimizes the cognitive, memory, language, and learning skills required of the user ". The lack of such a functional performance criterion undercuts the global harmonization of accessibility standards.

Finally, the Task Force also recommends the Section 508 rules require links be provided to applicable free players and file viewers in order for users to locate the correct player for the content they are accessing. An example of such a link is: http://www.hhs.gov/plugins.html. Additionally, the Task Force recommends covered agencies be required to provide a contact on their home page where users can report access problems and to provide a mechanism to retrieve feedback on the accessibility of the web site.

The CCD Technology and Telecommunications Task Force appreciates the opportunity to provide these comments. If you have any questions, please feel free to contact one of the CCD Technology and Telecommunications Task Force Co-Chairs: Eric Buehlmann, eric.buehlmann@ndrn.org; Mark Richert, 4justice@concentric.net; Audrey Busch, audrey.busch@ataporg.org; Sara Rosta, sara.rosta@PPSV.com; or Michael Brogioli, mbrogioli@resna.org.