

# On Speech We Can Agree

## Passage of legislation heralds new opportunities for the disabled

**I**t's not often Democrats and Republicans see eye to eye on a given issue. When it came to the 21st Century Communications and Video Accessibility Act of 2009, though, the legislation passed with bipartisan support. With a sweep of President Barack Obama's pen, the act was signed into law on October 8.

Hailed as one of the most significant and comprehensive reforms to increase opportunity and accessibility for people with disabilities since the passage of the Americans with Disabilities Act in 1990, the 21st Century Communications and Video Accessibility Act of 2009 establishes safeguards to ensure the more than 25 million adult Americans who have vision disabilities and the approximately 30 million Americans who have hearing disabilities can access new technology, including Internet-based, digital, and broadband communications.

"[The act] sets new standards so that Americans with disabilities can take advantage of the technology our economy depends on...to compete for the jobs of the future.... These changes are about guaranteeing equal access, equal opportunity, and equal respect for every American," President Obama said.

Accessibility for people with disabilities is regularly left out of the equation when it comes to the next big thing. According to Rep. Ed Markey (D-Mass.), who authored the legislation, it took more than 100 years for telephones to become accessible for people with speech and hearing disabilities and more than 10 years for cell phones to become hearing aid-compatible. "Americans with disabilities should have access to the communications technologies of the 21st century, and delays are unacceptable," he said.

The act offers opportunities for the speech technology industry, particularly in the area of closed captioning. Currently, when emergency information is displayed in a crawl along the bottom of the television screen, all that is required for accessibility purposes is a tone that accompanies the crawl, signaling to individuals who are blind or low-vision that there is some sort of emergency and they should go somewhere else to get the pertinent information. No longer. With this act, the emergency information displayed on the crawl must be accessible.

The opportunity for using text-to-speech (TTS) in this context is obvious. In fact, it is currently used in many

markets so, in addition to the text warning and audible tone signifying the existence of an emergency, the TTS audibly informs viewers of the details of the emergency.

Additionally, manufacturers can integrate TTS to comply with the following:

- Captioned television programs must be captioned when delivered over the Internet.
- Access to Internet services must be built into mobile phones, if achievable.
- Television program guides and selection menus must be accessible to people with vision loss.
- All video devices (not just those with screens 13 inches or larger) that receive or display video programming transmitted simultaneously with sound must be equipped with captioning.

The act does not require every feature of every device to be accessible for every disability, and it permits the Federal Communications Commission to grant waivers in certain instances. In addition, it allows manufacturers and providers to integrate third-party solutions to achieve accessibility.

Implementation of the act not only offers an opportunity for people with disabilities, it opens the door a little wider for our industry to be at the forefront of

creating a new era of equality.

The Television Decoder Circuitry Act of 1990 required television sets with screens 13 inches or larger to be equipped with captioning. At the time, television manufacturers argued that integrating this accessibility feature would be cost-prohibitive. It turned out, though, that including the technology increased the price of production by a single dollar per unit. And since its implementation, mainstream uses for captioning, including in bars and gyms, became common. It will be interesting to see what new uses will emerge from implementation of the assistive technologies required by this new act.

*Editor's Note: This column is not intended as legal advice. It is for informational purposes only. ☒*

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