

Testimony
of
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on behalf of the
American Council of the Blind
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On the ADA and Entertainment Technologies
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Chairman Harkin, Ranking Member Alexander, and members of the HELP Committee, I want to thank you for the invitation to discuss the need to improve accessibility from the "Movie Screen to Your Mobile Device."

The Carroll Center for the Blind is a private not-for-profit organization providing blind and visually impaired children and adults training in skills that lead to greater independence and improved quality of life. I have worked at The Carroll Center for the past 28 years teaching blind and visually impaired people to use technology for education, employment, and independent living.

The American Council of the Blind (ACB) is a non-profit organization that represents the interests of blind and visually impaired people throughout the United States. Based in the Washington D.C. area, ACB has tens of thousands of members from across this country who belong to more than 70 state and special interest affiliates. I am proud to say that I have been a member of ACB for the past 42 years.

As a teacher, advocate, and consumer, access to video content and the technologies to access them has played an important part in my life and the lives of those I interact with on a daily basis. What progress I have been privileged to assist with has largely been the result of collaboration. Recent examples of such collaboration include addressing concerns, such as full access to education for students, full access to the work environment for blind employees, access to entertainment and educational content and information contained in videos, as well as, full access to the increasing array of advanced communications options in a multitude of settings.

My initial direct involvement in the concept of audio description came as a member of an advisory committee to WGBH Public Television. My friends and I viewed many hours of such programs as Mystery and American Play House. We helped those developing this craft to do so in a manner that was based on the everyday language and vocabulary of those who are blind or

visually impaired. We helped them understand that sometimes less is more and the importance of not “stepping on” the dialogue, music, and other elements of the preexisting soundtrack.

When this process was expanded to include movies on video tape, we were pleased to see that the same principles we had developed together for television would also work for movies, but we were limited to only those movies that a very few producers were able to adapt.

As technology changed from the video tape to the DVD, some of the accessibility was lost, in that I and my friends had no means to navigate the on-screen menus required to play the audio described soundtrack. We now must rely on sighted friends and family to turn on audio description each time we want to watch a movie in our homes.

The first movie I ever enjoyed in a public theater, thanks to audio description, was “Titanic.” Prior to that moment, I avoided movie theaters out of frustration and concern that the whispered descriptions provided to me by friends and family would disturb those sitting near us in the theater. The last movie I watched in the theater was “Les Miserables,” but between those two there were times, when as the technology changed, I arrived to the theater only to find that the equipment in the theater did not support the format of the movie I came to see. In spite of this, my friends and I continued to be regular movie goers and enjoy sharing them with one another and our sighted friends and family.

Now that video content is not limited to television and movies, but have expanded to YouTube, Hulu, and Apple TV, the challenges presented by a wide array of content, distribution systems, hardware, and controls makes the chore of accessing this content a steep climb for both the producers and the consumer. It is, however, an ascent we must all take responsibility for.

In 2008, ACB established the Audio Description Project (ADP) to boost levels of description activity and disseminate information on audio description work throughout the United States and worldwide. We use the term, audio description, in order to explain the broader use of this information delivery mechanism. We advocates and consumers are committed to the development of audio description in a wide range of formats, including content intended for broadcast via television, movies, along with the performing arts, and museums.

The most current demographic information available reveals that more than 25 million Americans (about 1 out of every 15 people) report experiencing significant vision loss, i.e., individuals who have trouble seeing, even when wearing glasses or contact lenses, as well as individuals who are blind.

I fully support S. 555, the Captioning and Image Narration to Enhance Movie Accessibility Act, and believe strongly that video description should be fully incorporated into all movies being produced in digital format and should be provided at all theaters that use digital technology to display movies. However, it is my firm conviction that theaters should not be permitted to delay the deployment of video description until digital conversion occurs. In fact, it is my position that video description should be provided in any instance and at every venue where visual information is an essential part of the information conveyed or the performance provided to members of the public. Without video description, such individuals have only very limited access to the information provided to the sighted public. Beyond this, I believe strongly

that as more and more movies are offered to the public over the Internet and on DVD's, it is essential that video description be incorporated into both of these formats. Video description deserves the same recognition that is accorded to captioning by the movie industry, the federal government and the general public

Perhaps the most important need addressed by description for video content is the ability to bring children and adults who are blind or have low vision into the mainstream of society. The inability of anyone, adult or child, to participate fully in popular culture, which has a unique power to bind us together, effectively alienates individuals who are blind or visually impaired from his/her community.

As such, description provides the keys to our culture, to the extent that description helps people who are blind or visually impaired to be more familiar with media (television and movies), museums, theater, and other everyday events, thus allowing the description user to be more engaged and engaging individuals. This makes it possible for the user of description to be more socially integrated into society. The addition of description to a soundtrack is likely to increase the size of the audience of those who are blind or visually impaired. Description enhances the viewing experience not only for those who need the service, but also for those who view content with the blind or visually impaired person.

ACB was a leading advocate for the Twenty- First Century Communications and Video Accessibility Act's (CVAA) passage. Access to described programming on television, increasing the accessibility of wireless devices, such as smartphones and tablets, and insuring that their Web browsers are accessible, are just a few of the provisions that will enhance our entertainment experience.

As a result of passage of the CVAA, beginning July 1, 2012, TV stations that are broadcast affiliates of the top four national networks in the 25 largest TV markets, as well as cable and satellite TV systems with more than 50,000 subscribers, were required to comply with the FCC's video description rules (although updated to reflect the digital TV transition and a widespread phase-in mandated by the U.S. Congress). Reinstatement of video description was a critical provision for ACB, fulfilled in passage and enactment of the CVAA.

The FCC's newer rules require:

- broadcast affiliates of ABC, CBS, FOX and NBC located in the top 25 TV markets to provide 50 hours per calendar quarter (or about 4 hours per week) of video-described prime time and/or children's programming;
- channels such as the Disney Channel, Nickelodeon, TBS, TNT, and USA, must also provide 50 hours per calendar quarter of video-described prime time and/or children's programming;
- all network-affiliated broadcast stations and cable and satellite TV systems must pass through any available video description provided with network programming that they carry if they have the technical capability to do so and are not using the audio track for

other program-related content. This pass-through requirement also pertains to TV delivered over telephone systems;

- once a program is aired with descriptions, re-runs of that program must also include video description unless the capability of providing description is being used for other program-related content;
- exclusion of networks when there is a significant amount of live prime-time programming.

While the CVAA has and will enable people who are blind or visually impaired to gain greater access to information and entertainment, there are still significant areas of accessibility challenges. Current gaps in technology policy exist with regard to online entertainment and the overall accessibility of the Internet. The blind community is eagerly awaiting rules from the U.S. Department of Justice that should apply Title III of the Americans with Disabilities Act to the Internet. Currently, people who are blind or visually impaired have significant challenges accessing content of all types when surfing on the Web. Accessing entertainment options is often quite challenging as links are not tagged to inform the user that content is available to be viewed or downloaded.

Today, you can go to a movie theater or watch television shows with video description. Unfortunately, when you visit Web sites that provide this content, most all of the programming is not accompanied by description because there is no requirement to do so. The same holds true with the sale of DVD's. The Academy Award winner for best picture, "Argo," was video described in the movie theater. When a blind consumer goes to a store to purchase a copy of "Argo" on DVD, frustration and disappointment set in when they realized that the video described version that they had enjoyed in the theater is not included on the DVD.

Airlines are rapidly deploying touch-screen technologies as part of their in-flight entertainment experience. While this technology is considered cutting edge, the airlines have not implemented these technologies with me in mind. In fact, on an increasing number of airplanes the flight attendant call button is now located on the screen and is no longer a button in the ceiling. ACB endorses S. 556, Air Carrier Access Amendments Act that call for these technologies to be made accessible so that people who are blind or visually impaired can have the same entertainment experience as other sighted travelers.

I thank the committee for giving these issues increased visibility and stand ready to assist in any way possible.