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FCC Extends Accessibility Requirements to Videoconferencing Services

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Under the provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), communications providers and manufacturers of communications equipment generally must make their services and equipment accessible to and usable by people with all types of disabilities, including vision, hearing, and physical and cognitive challenges. Accessibility requirements apply to virtually all equipment and technologies that allow consumers to communicate, even when the communications function is an ancillary feature, such as player in-game texts and chats using a video game console or a communications device in an automobile. However, because of uncertainty about a specific word in the CVAA, accessibility requirements have not been applied to videoconferencing. That is about to change.

On June 12, 2023, the Federal Communications Commission released a report and order, notice of proposed rulemaking, and order that requires access to videoconferencing by people with disabilities. In the report and order, the FCC finds that the existing accessibility requirements for advanced communications services (ACS) apply to commonly used videoconferencing services. Those accessibility requirements include record-keeping requirements, an annual compliance certification and performance objectives. The performance objectives require manufacturers and service providers to ensure their equipment and services are accessible to, usable by and compatible with people with disabilities as defined by the FCC's rules. For example, input and control functions must be identifiable and operable by users with limited vision, hearing, speech, color perception, manual dexterity, reach and strength, or cognitive skills. Videoconferencing providers that can't meet one or more of the FCC's ACS accessibility requirements will need to seek waivers of the applicable rules and should start laying the groundwork now with the FCC to get those waivers granted. Providers of videoconferencing services and equipment will have one year and 30 days from Federal Register publication of the report and order to come into compliance with the FCC's current ACS accessibility requirements.

In addition to requiring videoconferencing providers to comply with the general ACS rules, the FCC is proposing the addition of specific performance objectives for videoconferencing in areas such as speech-to-text capabilities, text-to-speech capabilities and enabling the use of sign language. The FCC is asking for public comment on its proposals, as well as comment on whether additional performance objectives are needed to support individuals with disabilities other than vision or hearing and on the integration of telecommunications relay services with videoconferencing.

Comments and reply comments on the FCC's proposals will be due 30 and 60 days, respectively, after the notice of proposed rulemaking is published in the Federal Register.

If you would like additional information about the FCC's accessibility rules, please contact one of the Cooley lawyers listed below.

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