

May 28, 2015

Architectural and Transportation Barriers Compliance Board
1331 F Street NW, Suite 1000
Washington, DC 20004-1111

Re: Public comment on the Proposed Rule for Information and Communication Technology Standards and Guidelines. Docket ID: ATBCB-2015-0002

Dear U.S. Access Board:

Thank you for the opportunity to comment on the proposed rule for updated accessibility standards and guidelines for information and communication technology (ICT) under Section 508 of the Rehabilitation Act and Section 255 of the Telecommunications Act. Information and Communication Technology Standards and Guidelines Notice of Proposed Rulemaking (ICT NPRM), 80 Fed. Reg. 10879 (Feb. 27, 2015).

With more than 100,000 members, the Association for Computing Machinery (ACM) is the world's largest educational and scientific computing society, uniting computing educators, researchers, and professionals to inspire dialogue, share resources, and address the field's challenges. The ACM U.S. Public Policy Council (USACM) serves as the focal point for ACM's interaction with the U.S. government in all matters of U.S. public policy related to information technology.

Responses to General Comments

Functional Performance Requirements

Functional performance requirements should be required, or strongly encouraged as a best practice, even when technical requirements are met. The purpose of accessibility requirements is first and foremost to ensure the ability of the user to access, use, and/or exchange information and data and to use computer and telecommunications equipment to accomplish these tasks. Given the rapid changes in technologies and the generally lengthy processes to develop and promulgate updated standards and guidelines, regulations reliant on functional performance requirements will provide better responsiveness to changes in technologies, including the flexibility to innovate and implement better solutions. Thus, functional performance requirements will better advance and balance the values of accessible participation, technical flexibility, and innovation.

WCAG Incorporation by Reference

We support the incorporation by reference of the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 2.0, an international standard, and its Success Criteria and Conformance Requirements. Harmonization with an international standard, rather than reliance on a separate national standard or modified restatement of the international standard's requirements, will enable

federal agencies, developers, and manufacturers to leverage a broader range of supporting materials, tools, training, and collaboration opportunities. We agree that harmonization with international standards and guidelines will increase the likelihood of commercial availability of accessible products through larger marketplaces for accessible ICT. As an international consensus standard that is freely available to the public, WCAG 2.0 is a widely accepted and widely distributed standard.

Accessibility Compliance of Non-Web ICT

For non-web ICT, the Board should consider identifying additional guidance references issued by the W3C or other competent international authorities to help entities comply with WCAG accessibility compliance and to ensure ICT is both accessible and usable for people with disabilities. The Board also should consider requiring that websites, mobile apps, and software not block or interfere with content provided in widely accepted accessible formats.

The W3C Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT), adopted in 2013, should be considered along with other interrelated accessibility standards and guidance published by the W3C and other competent international authorities. These resources can help provide informative standards and guidelines to assist entities with accessibility conformance and usability as consistent with WCAG 2.0 and in the context of different technical components. To focus solely on WCAG2ICT could potentially preclude innovation and implementation of best practices as determined to be beneficial to accessibility conformance and usability for a wide range of technical components.

The following widely accepted standards and guidelines can assist the technical community with conformance with WCAG 2.0 for non-web ICT and with evolving accessibility questions. This list is not intended to be comprehensive:

- W3C Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT). <http://www.w3.org/TR/wcag2ict/>
- W3C Authoring Tool Accessibility Guidelines (ATAG). <http://www.w3.org/WAI/intro/atag.php>
- W3C User Agent Accessibility Guidelines (UAAG). <http://www.w3.org/WAI/intro/uaag.php>
- Mobile Accessibility: How WCAG 2.0 and Other W3C/WAI Guidelines Apply to Mobile (Draft, Feb. 26, 2015). <http://www.w3.org/TR/mobile-accessibility-mapping/>
- Guidance published by the W3C Web Accessibility Initiative (WAI). <http://www.w3.org/WAI/>
- Guidance published by the W3C Mobility Accessibility Task Force (Mobile A11Y TF). <http://www.w3.org/WAI/GL/mobile-a11y-tf/>

Providers should ensure that implementations do not block or interfere with, at minimum, the following accessibility features and formats:

- W3C Accessible Rich Internet Applications (WAI-ARIA) and WAI-ARIA User Agent Implementation Guide (published as W3C recommendations in March 2014). <http://www.w3.org/blog/2014/03/wai-aria-expands-web-accessibility/>
- Digital Accessibility Information System (DAISY) Standard, officially ANSI/NISO Z39.86-2005, for digital publications and documents. <http://www.daisy.org>
- EPUB, published by the International Digital Publishing Forum, for digital publications and documents. <http://idpf.org/epub>
- W3C Mathematical Markup Language (published as a W3C recommendation in April 2014). <http://www.w3.org/TR/MathML3/>

A flexible approach to accessibility and usability compliance for non-web ICT through functional performance criteria will allow the providers of information and services, as well as developers, to focus on achieving compliance with user needs, rather than trying to innovate within narrow technical constraints that might not be appropriate to that technical element. Accessibility and usability conformance can be informed by widely accepted international standards, guidelines, and formats. By promoting solid principles of functional design, rather than a specific mandatory implementation standard for non-web ICT conformance, the updated regulations will be more durable and provide the necessary flexibility for developers and manufacturers to build accessibility features at reasonable costs that account for the wide range of ICT technologies. Such an approach also would support ongoing evolution to improve making non-web content, applications, and interfaces accessible to people with visual, auditory, motor, or cognitive impairments.

Responses to Specific Questions

Question 7: A Web page can conform to WCAG 2.0 either by satisfying all success criteria under one of the levels of conformance or by providing a conforming alternate version. WCAG 2.0 always permits the use of conforming alternate versions. Are there any concerns that unrestricted use of conforming alternate versions of Web pages may lead to the unnecessary development of separate Web sites or unequal services for individuals with disabilities? Should the Board restrict the use of conforming alternate versions beyond the explicit requirements of WCAG 2.0?

Further restricting or prohibiting conforming alternate versions beyond those already identified in WCAG 2.0 could potentially preclude the evolution and adoption of more effective or emergent modes of information delivery and exchange and could make it more difficult for makers of software, testing and evaluation tools, and equipment to leverage the efficiencies of effort and costs across multiple markets.



We encourage the Access Board to work with W3C or other competent international authorities to amend or provide additional guidance, rather than introduce exceptions or impose new requirements domestically that could undermine the purpose and benefits of global harmonization.

Thank you again for the opportunity to comment on this ICT NPRM. We appreciate the U.S. Access Board's ongoing consideration of accessibility issues. The Access Board, as a trusted resource with technical expertise, should be ready to assist federal agencies by providing information about implementations, tools, and audit resources that will help covered entities achieve compliance. Ongoing assistance could include updates on best practices, case studies, examples of successful implementations, developer and authoring toolkits, testing and evaluation tools, training opportunities, and relevant online resources.

The staff and members of the ACM U.S. Public Policy Council are available if you have questions or would like additional information about the issues raised in this public comment.

Sincerely,

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