

Testimony of

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Technology and the Internet**

**“Innovation and Inclusion: The Americans with
Disabilities Act at 20”**

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Introduction

Mr. Chairman, and Members of the Senate Commerce Subcommittee on Communications, Technology and the Internet, thank you for taking the time to focus on this important topic of innovation and inclusion. My name is Thomas Wlodkowski, and I am the Director of Accessibility for AOL Inc. AOL is a leading global Web services company with an extensive suite of brands and offerings and a substantial worldwide audience. AOL's business spans online content, products and services that the company offers to consumers, publishers and advertisers. In addition, AOL operates one of the largest Internet subscription access services in the United States. I appreciate the opportunity to testify before this Subcommittee on the importance of innovation and accessible technologies to people with disabilities.

Today I will share observations on the state of accessible technology, including the important progress being made through collaboration between industry, consumers and government. I will also offer some thoughts on the importance of interoperability between information technology ("IT") and assistive technology ("AT"). I will highlight a critical barrier to access, specifically, the cost of assistive technology today. Finally, I will point out areas where I believe government can have an immediate impact, such as heightening awareness of solutions that exist today, preserving consumer choice and encouraging innovation.

I approach today's subject matter from a unique perspective. As a blind citizen and avid user of both information technology and assistive technology, I fully appreciate the positive impact accessible mainstream technology has on the lives of people with disabilities. As an avid user of the Internet using mobile devices and desktop computers running a variety of software, I have experienced the frustration when these technologies are not accessible. In my role at AOL, I experience the challenges facing industry to produce accessible products and understand the importance of flexibility in enabling technology companies to deliver an inclusive user experience. I am well-versed in the delicate balance between developing accessible technologies and bringing products to market quickly. Lastly, my perspective is also shaped by my experience prior to joining AOL in 2002 when I was employed by the WGBH Media Access Group and I managed federal grant projects to advance accessibility of digital media technologies. So, when tackling the important issue of innovation and inclusion through accessible technologies, I come at it from all angles.

Industry Progress

I would like to speak first about the progress industry has made in the area of accessible technology. On July 26 of this year America will celebrate the 20th anniversary of the Americans with Disabilities Act. While significant progress has been made in terms of providing access to employment, transportation, parks and public buildings, I think we can all agree there is still more work to do. The same holds true in the technology arena. When I joined AOL, very few technology companies had personnel dedicated to disability access and the practice of web accessibility was fairly young. Today, most

major internet companies employ people who focus on accessibility and design techniques for building accessible products continue to evolve. This increased focus is evident in the list of companies -- representing a cross-section of the information and communications technology ("ICT") industry -- that attended the California State University ("CSUN") International Technology and Persons with Disabilities conference in March of this year. For reference, CSUN is to the disability community what the annual Consumer Electronics show is to the mass market. AOL, Adobe, Apple, AT&T, Google, IBM, Microsoft, Research in Motion and Verizon, all participated alongside assistive technology vendors and accessibility researchers and demonstrated new and innovative technologies.

Putting a broad array of accessible products and services into the hands of consumers with disabilities requires navigation of a complex technical ecosystem. There are many interdependencies. For example, for AOL to deliver an accessible web page to a blind consumer, we have to rely on several layers of technology. First, the user's screen reader technology, regardless of whether it is built into a device or is administered through software provided by a third party, must interoperate with a web browser such as Firefox, Internet Explorer, Opera or Safari. The web browser and the screen reader must be able to pass information back and forth. This information transfer is most effectively achieved by leveraging an accessibility framework supported by the operating system on which the web browser and screen reader software run. Second, AOL needs to add specific tags into our web content that the web browser and screen reader can utilize to enable efficient interaction by the blind consumer. Similar scenarios can be found across all segments of the ICT industry.

To improve interoperability models, information technology companies and assistive technology manufacturers have formed an industry-funded, voluntary collaborative effort to address this important goal. The Accessibility Interoperability Alliance ("AIA") is a coalition of IT and AT companies working to enable developers to more easily create accessible software, hardware, and web products. At the same time, a working group of the International Organization of Standards, ISO/IEC JTC1/SC35/WG6, is seeking to promote broader awareness of open accessibility application programming interfaces ("APIs") provided by computer operating systems that allow AT vendors to build hardware and software products that interoperate with mainstream products. Improving interoperability, making it easier to create accessible products and promoting use of APIs should bring down the cost of accessible and assistive technologies and provide faster access to mainstream technology products for people with disabilities.

Often, to address longstanding accessibility shortcomings, key stakeholders will gather to form a standards organization. A good example of this collaboration is ongoing work by the Society of Motion Picture and Television Engineers ("SMPTE") to develop an industry standard for captioning video content distributed over broadband internet networks. Version 1 of this standard is expected to be released later this year. In this case, a broad group of private sector stakeholders including content providers, broadcasters, caption and subtitling solution providers, professional equipment manufacturers and consumer electronics manufacturers have come together to define the

best way forward. This SMPTE activity is a direct result of AOL, Google, Microsoft and Yahoo voluntarily joining together with the WGBH Media Access Group to form the Internet Caption Forum (ICF) in 2007. Once it became clear that a broader group of stakeholders was required to achieve meaningful progress, the work of the ICF was picked up by SMPTE.

Government often helps facilitate the dialogue between the IT industry, academics, consumers, the assistive technology industry and international stakeholders. Illustrative of this is the US Access Board's activity with regard to developing technical standards for Section 508 of the Rehabilitation Act. The Telecommunications, Electronic and Information Technology Advisory Committee ("TEITAC") brought together representatives from industry, federal and state governments, the disability community and international policymakers to provide recommendations to the Access Board for updating the Section 508 standards, which were developed as a result of 1998 amendments to the Rehabilitation Act, and the guidelines associated with Section 255 of the Telecommunications Act. AOL was a member of TEITAC. While not directly affected by Section 508, AOL and other consumer-facing technology companies directly benefit from its outcome. The resulting Advanced Notice of Proposed Rule Making, released by the Access Board in March, covers topics included in legislation introduced by this Subcommittee, such as real-time text, video closed captions and interoperability. I encourage this Subcommittee to review the findings of the TEITAC report and the eleven minority reports that were submitted in April 2008, and to consult with the Access Board as their rule-making process progresses to avoid potential conflicts. By leveraging the competitive market place and, where necessary, establishing clear goals and guidelines without favoring one technology over another, government can help drive the creativity and innovation of the technology industry to provide the best and most accessible technology products that meet consumer needs.

Innovation through Collaboration

Innovation, both by assistive technology vendors and developers of mainstream information and communications technology, is critical for disability access. It is important to note that mainstream products that offer built-in accessibility often adopt techniques originally developed by assistive technology vendors to differentiate their offerings from similar products. For example, when I interact with a web page on my mobile device that has a built-in screen reader, I can limit my view of a web page to a list of available links, form controls requiring input and to other page elements. Without these navigation techniques, reading a web page would be extremely slow because screen readers read left to right, top to bottom. In order to provide consumers a high degree of choice in selecting the options that meet their unique needs, products and services need to be offered in a manner that is technologically compatible with the greatest number of devices and applications, not restricted based on one set of standards. Restrictive standards could result in increased costs, driving up consumer prices, which could in turn limit the number of people who actually benefit from the "innovation." Thus, innovation is most likely to flourish where companies are able to approach the issue with great

flexibility and are incentivized to do so, which in turn is likely to yield optimal choices for everyone.

By collaborating with industry and disability groups, AOL has been able to deliver leading-edge features, innovative solutions and best practices, which bring the power of the internet to many. For instance, AOL worked in tandem with Freedom Scientific, developer of the JAWS screen reader and a vendor that employs people with disabilities for support with product testing to ensure compatibility of the AOL Instant Messenger service (“AIM”) with the JAWS screen reader software. As a result, many people who are blind enjoy easy access to chat with their friends on AIM and other interoperable services. Relay service providers leverage the popularity of AIM in the deaf community and its wide availability on mobile devices, the web and on desktop computers to enable consumers to place and receive text and video relay calls. AOL also offers a fully accessible web mail and calendar user interface that was lauded by the National Federation of the Blind and other leading disability organizations. This interface mirrors keyboard shortcuts used in popular desktop email applications.

Awareness

I would now like to shift gears and talk about an issue that is as important as building accessible technology -- consumer awareness. In its National Broadband Plan (“NBP”), the Federal Communications Commission (“FCC”) recognized that one problem that consumers with disabilities face is that they are unable to find accessible communications technologies and assistive technologies, even when those technologies are available. In addition, the FCC found that consumers often do not have the training and support they need to use these products. The Commission recently announced that in July, it will launch a clearinghouse -- an online space where consumers can find links to accessible products and product information provided by companies and vendors themselves. I agree with the Commission that lack of awareness of what exists today is one of the key issues to be solved. In addition to the online clearinghouse, I encourage consideration of other disability access components included in the plan. For example, leveraging the Universal Service Fund (“USF”) to subsidize the cost of assistive technology is a proposal that I believe warrants serious consideration.

Government Funded Activities

In closing, I want to briefly discuss an area where government involvement could help drive technology access forward. Stronger partnerships between accessibility researchers and the ICT industry are necessary in order to speed the transfer of technology from the research lab to the marketplace. I would like to encourage this Subcommittee to examine the feasibility of implementing a grant model similar to the European Commission’s “FP7” program. AOL is currently a corporate participant in the “Open Accessibility Everywhere: Groundwork, Infrastructure and Standards” project (commonly referred to as “AEGIS”), which is funded under the “FP7” program. This project is a matching grant program, which brings together industry, research institutions and the disability community to prioritize, develop and test a range of open accessibility solutions. AOL’s

role in AEGIS is to integrate an accessibility framework into jQuery, an open source toolkit used by AOL and developers around the world to build dynamic web applications. When complete, accessible jQuery components will be available to the developer community at large.

Conclusion

Collaboration, awareness and flexibility drive innovation in a way that will benefit consumers and allow industry to continue to offer new and exciting solutions. Collaborative efforts allow businesses to work directly with assistive technology vendors to include accessibility solutions at the ground floor, as the products are developed. Awareness is vital if these new technologies are to be adopted by the communities that need them most. And flexibility is imperative if industry is to develop solutions that actually meet consumers' needs.

As the Director of Accessibility for AOL, I look forward to continuing efforts to bring accessible products to market for people with disabilities. As a member of industry, I look forward to continuing the rich set of dialogues, participating in advisory committees, and working to solve some of the problems that will make technology more available and affordable for people with disabilities. And as a consumer, I look forward to using those technologies in my daily life.

Thank you for your attention and the opportunity to provide testimony on this important issue.