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April 28, 2014

Attn: Thenjiwe Dube, Code for People with Disability Project Leader
Independent Communications Authority of South Africa (ICASA)
Block A
Pinmill Farm
164 Katherine Street
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2146

Re: Comments of the Telecommunications Industry Association on ICASA's *Proposed Code for People with Disabilities Regulation*

Dear Ms. Dube:

The Telecommunications Industry Association (TIA) is pleased to submit its comments to the Independent Communications Authority of South Africa (ICASA) in response to its draft Code for People with Disabilities Regulation which was published in the Government Gazette of the Republic of South Africa on March 28, 2014.

I. INTRODUCTION AND STATEMENT OF INTEREST

TIA is a trade association based in the Washington, DC area which represents approximately 400 global information and communications technology (ICT) manufacturer, vendor, and supplier companies through policy advocacy and standards development. TIA represents ICT industry consensus accessibility-related positions to Congress, the Federal agencies, civil society, and other stakeholders. Through its Accessibility Working Group, TIA also serves its member companies by providing a forum for addressing existing and emerging accessibility related issues and events for member companies, as well as a conduit for constructive dialogues with the disability community.[1]

In addition, TIA also serves as a standards development organization for the ICT industry, and uses a process that ensures open participation, a fair process, and wide access to the standards

[1] See https://www.tiaonline.org/policy/accessibility.

developed as part of its process. Specifically, TIA's Committee TR-41 develops and maintains voluntary standards for the performance and accessibility of communications products. The products addressed by these standards include telephones with handsets, headsets, and speakerphones, communications gateways, and other products that are typically installed at the user's premises. The products may connect to a communications network using digital and analog wireline or radio (e.g., Wi-Fi® or Bluetooth®) media. They may connect directly to the network or through another device (e.g. a USB headset connected through a computer). TR-41's standards may include performance requirements for voice, video, and other features that are associated with communications services. They cover requirements for a product's performance related to signal transmission, environmental impacts, interfacing to networks and other equipment, accessibility, and usability. TR-41 is a point of contact for expert technical opinions, advice, and actions for standards development for government agencies that deal with communications including the FCC. It also provides input to other organizations that develop and publish product safety standards.

II. TIA COMMENTS ON ICASA'S PROPOSED CODE FOR PEOPLE WITH DISABILITIES REGULATION

The global ICT manufacturer and vendor community actively works to enhance access for consumers with disabilities to advanced communications products and services, both individually and through the development of global, voluntary, open, and consensus-based standards. TIA believes that it is advantageous for countries developing new technical regulations to rely upon such standards by designating them as "safe harbors" – in other words, a product's compliance with the standard constitutes acceptable performance while other methods of achieving the regulation's goal are still permissible. Benefits to such an approach include reducing barriers to the importation of high-quality products that comply with globally-accepted quality standards, and reduced cost to the consumer for these products.

Our members actively engage with consumers in the design of products, proactively initiate industry-consensus development of standards that enhance accessibility, and engage governments across the globe. TIA believes that the most effective way to enhance accessibility to advanced communications devices and services for consumers with disabilities is to take a balanced approach that provides clarity and feasibility in regulation, along with adequate flexibility to innovate products and services while respecting technical feasibility concepts (such as realistic product cycles).

Based on our views, we offer the specific input on the *Proposed Code for People with Disabilities Regulation*:

Clarifying the Scope of ICASA's Proposed Regulations

- We urge ICASA to confirm TIA's understanding that this regulation applies only to consumer products (and no other kind).
- Likewise, TIA urges ICASA to more clearly delineate, where applicable, which classifications of consumer products are applicable for the respective provisions since the particular criteria may only be relevant or applicable to a certain classification of product. TIA understands ICASA's proposals in Clause 3(a) of Section 5 to apply to wireline telephones, and not wireless telephones.
- TIA recommends that ICASA adopt a portfolio approach to product accessibility, whereby licensees may satisfy required device criteria across a set of models within their full range of offered products, as opposed to blanket application of requirements which would unnecessarily drive up costs and create barriers to market entry, harming consumers. For the purposes of ICASA's proposed regulations, using a portfolio approach would allow for accessibility to be sufficiently provided by addressing accessibility solutions across entire product portfolios offered by Electronic Communication Service (ECS) providers. It is not feasible (from a technical as well as a cost perspective) to require ECS provider offerings to include all features on all products, and ICASA should instead allow for different accessibility criteria to satisfy requirements via different targeted solutions (*e.g.*, for hearing loss, vision loss). This approach for South Africa would be consistent with accessibility regulations in many other areas of the world, including the United States, where service providers and manufacturers are allowed to address accessibility of wireline and wireless telephones from a portfolio perspective. ICASA should take great care in crafting their regulation that it does not exclude certain classes of products from entry into the South African market due to that product not meeting all criteria required by ICASA, when such products would have great benefit to South African consumers.

Ensuring Technical Feasibility and Flexibility in ICASA's Proposal

- ICASA can most quickly implement its goals of enhancing accessibility to ICT products by keeping compliance costs to a minimum and allowing for flexible implementation of these regulations. For these reasons TIA recommends that ICASA confirm that no new testing will be required under any requirements adopted per the *Proposed Code for People with Disabilities Regulation*, and that self-certification of compliance with

requirements be permitted through the use of supplier declarations of conformity (SDoCs) that would state that the equipment at issue includes the required accessibility feature or that it does not.

- ICASA should clarify that the *Proposed Code for People with Disabilities Regulation* applies only to new products submitted for certification after its implementation date. It is not feasible for products already in the stream of commerce to implement these new accessibility requirements.
- In ICASA's proposed regulation, specifically in Section 11 of the proposed rules, ICASA proposes that final rules, once published in the Government Gazette, shall come into effect immediately. TIA strongly urges for ICASA's proposal to be revised to incorporate technical feasibility and product cycles by allowing for a phasing-in period *after* publication in the Government Gazette of a minimum of two (2) years. From TIA's experience, an implementation timeframe of a minimum of 12-24 months is required for manufacturers to design and integrate any additional required features as stipulated by the criteria after the effective date of the final ruling. In addition, this practice would be consistent with the approach taken by many other governments, such as the United States'.

Clarifying ICASA's Proposed Hearing Aid Compatibility Requirements, and Ensuring Reliance on Globally-Accepted, Open, Voluntary, and Consensus-Based Standards

- In Clause 3(a) of Section 5 ("Hearing Aid Compatibility Requirements") of the Proposed *Code for People with Disabilities Regulation*, ICASA should very clearly delineate between wireline and wireless telephones. This is important because, for the purposes of hearing aid compatibility, the technical features of wireline and wireless telephones substantially differ. From a technical feasibility perspective, the proposed requirements in Clause 3(a) as proposed would be applicable to wireline telephones *only*. Therefore, we strongly urge ICASA to alter the title at the top of page 11 from "Hearing Aid Compatibility Requirements" to "Hearing Aid Compatibility Requirements for Wireline Telephones".
    - In Clause 3(a) of Section 5 of the Proposed *Code for People with Disabilities Regulation*, ICASA's text contains the phrase "making provision for" all telephones to have a hearing aid, and in Clause 3(a)(1) the proposed text states that a telephone should include "a built-in hearing aid coupler." TIA understands this text to mean that a wireline telephone must provide a magnetic field for coupling for hearing aids and cochlear implants that have a telecoil (also known as a "T-coil"). TIA recommends that ICASA confirm this interpretation by TIA, and

that the language stipulate that this obligation is related to wireline telephones. TIA further notes that not all hearing aids have a T-coil, and for those that do not have a T-coil, magnetic coupling in the phone is not useful. Therefore, ICASA should not require all mobile phones offered by a licensee to have a T-coil.

- Under Clause 3(a)(1) of Section 5, TIA notes for ICASA that, in addition to ensuring that wireline telephones provide adequate magnetic coupling for hearing aids and cochlear implants that have T-coil, an industry standard developed by TIA has been created to ensure that cordless telephone handsets do not emit unwanted magnetic noise. ANSI/TIA-1083-A, *Telephone Terminal Equipment Handset Magnetic Measurement Procedures and Performance Requirements*,[2] defines measurement procedures and performance requirements for the handset generated audio band magnetic noise of wireline telephones. ANSI/TIA-1083-A plays a significant role in efforts to reduce interference problems experienced by people using hearing aids with wireline digital cordless telephones. We urge for ICASA to consider ANSI/TIA-1083-A as a "safe harbor" for compliance with the requirements in Clause (3)(a)(1) of Section 5, which as noted above we interpret to mean that a wireline telephone must provide a magnetic field for coupling for hearing aids and cochlear implants that have a T-coil.

- Under Clause 3(a)(ii) of Section 5, ICASA proposes to require a feature that wireline telephones "amplif[y] the incoming caller's voice to suit the listener." TIA notes that its standard ANSI-TIA-4965, *Receive Volume Control Requirements for Digital and Analog Wireline Terminals*,[3] was developed in close coordination with the hearing loss and audiologist community to provide an accurate method of measurement (called "Conversational Gain") for hearing aid compatibility volume control gain requirements for wireline equipment. ANSI/TIA-4953, *Amplified Telephone Measurement Procedures and Performance Requirements*,[4] is a somewhat related standard that uses Conversational Gain as the volume control measure for specialty high-gain amplified telephones. It also provides requirements for voice tone control and ringer acoustic level and tone control for people with mild, moderate, or severe hearing loss. In addition, it references the ANSI/TIA-1083-A magnetic performance requirements and includes noise, distortion, stability, and transmit levels that are common for wireline telephones. These standards should be considered by ICASA as a "safe harbors"

[2] See http://www.tiaonline.org/all-standards/committees/tr-41 for more information on this standard.
[3] See http://www.tiaonline.org/all-standards/committees/tr-41 for more information on this standard.
[4] See http://www.tiaonline.org/all-standards/committees/tr-41 for more information on this standard.

for compliance with requirements on wireline telephones under the proposed feature requirement in Clause 3(a)(ii) of Section 5.

Clarifying ICASA's Proposed Requirements to Address Visually-Impaired or Blind Consumers

- In Clause 4(9) of Section 5, ICASA proposes that ECS licensees make provision for "tactile keys for both functions and alphanumeric keys." TIA notes that many devices today, especially touch screen devices, do not utilize tactile keys except for the on/off function or volume control. As proposed by ICASA, this regulation would require a complete redesign of such devices to add tactile keys for the functions listed, and would require fundamentally changing the nature and design of those devices. This would result in the exclusion of numerous devices from the South African market solely because of this requirement, to the detriment of South African consumers. We request that ICASA consider removing this proposed required feature from the proposed regulation.
- In Clause 4(12) of Section 5, ICASA proposes that a required feature for all telecommunications devices include "Automatic Responses," which ICASA defines as programming on a wireless device to "answer automatically or redial certain calls or messages." TIA requests further clarity from ICASA on the intent and expectations of requiring such a feature(s) in the proposed regulations, as well as the specific scope of the expected feature(s) to address this proposal, so that stakeholders may provide meaningful input to ICASA on what is currently offered to address this proposed criteria and what is technically viable.
- In Clause 4(15) of Section 5, ICASA proposes that a required feature for all telecommunications devices include "Tactile Keys" for such features as "volume control, on/off, shortcuts for speed dialing, assignable ringtones and alerts or automatic answering." TIA submits to ICASA that these features are not all typically programmed via separate tactile keys, and that requiring this feature is not feasible from a technical feasibility and cost perspective. Consistent with our views on the proposed Clause 4(9) of Section 5 above, we request that ICASA consider removing this proposed required feature from the proposed regulation.
- In Clause 4(17) of Section 5, ICASA proposes that "licensees" must submit quarterly reports to ICASA on the progress of their implementation. TIA interprets "licensee" to mean that Broadcast Providers and ECS Providers elsewhere referenced in the proposed regulation, and requests that ICASA specifically state this in Clause 4(17). Furthermore, because manufacturers partnered with licensees will be impacted by ICASA's regulation in this space, ICASA should consider relying on the Global Accessibility Reporting

Initiative (GARI),[5] which is a public online database tool where of the accessibility features available on mobile devices is reported. This would increase the efficiency of compliance for both the manufacturers of mobile devices as well as ICASA's associated efforts to collect and maintain such information, because any reporting requirements would be harmonized with existing requirements already relied upon by numerous countries.

III. CONCLUSION

TIA appreciates the consideration of ICASA in this matter, and we urge you to contact the undersigned with any questions or concerns.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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April 28, 2014

[5] http://www.mobileaccessibility.info/index.cfm