



Full Access Granted

Ignoring people with disabilities could mean bad news for mobile companies

Section 255 of the Telecommunications Act requires telecom services and equipment, including cell phones, to be accessible to and usable by people with disabilities. Manufacturers must comply with Section 255 when it is readily achievable (i.e., when implementation is “easily accomplishable and able to be carried out without much difficulty or expense”).

“Where human capability falls short and the functionality of the product falls short, accessibility bridges the gap,” says Timothy Creagan, senior accessibility specialist at the federal U.S. Access Board, an agency that ensures accessibility for the disabled.

Compliance may not be readily achievable in several circumstances. For example, a manufacturer can claim that adding accessibility features would result in financial hardship; a manufacturer designing a phone with a small footprint might not be able to accomplish its objective if it is required to include a QWERTY keyboard; or a manufacturer could be precluded from including an additional mode of input because the technology required to do so is owned by another company.

If a company believes compliance with Section 255 is not readily achievable, it must document why it cannot comply and disclose the specific testing that was undertaken and solutions that were explored but ultimately discarded.

Section 255 also states that there cannot be a net decrease in the accessibility of a manufacturer’s product line. If, for example, a manufacturer had three accessible phones last year, but this year has only two models that are accessible, then there has been a net decrease in accessibility and, as such, the manufacturer is not in compliance. But even if a manufacturer has other products that comply, it still must be accountable using the Readily Achievable standard for every product it brings to market. The determination of compliance is made on a case-by-case basis.

When it comes to cell phones with flat-screen displays, Apple has its iPhone, Sony Ericsson has its M600i, and Samsung’s U.S. release of its Instinct is imminent. If not designed with care, a phone with a flat-screen display will be inaccessible.

Apple’s iPhone, for example, is not accessible for people who are blind or have very poor vision because it does not have redundancy; it doesn’t have tactile, discernible keys or audio tags, nor does it allow for voice control or alternative access. Because the display is dynamic, visually impaired users cannot navigate the menus.

“The iPhone has great features, but people who are blind can’t find them,” says Jenifer Simpson, senior director of telecommunications and technology policy at the American Association of People with Disabilities (AAPD). “They can’t use what everyone else takes for granted.”

According to the AAPD, at least a dozen complaints have been filed with the FCC against Apple. As part of the investigation, Apple will be compelled to provide documentation as to what testing it did in designing the iPhone and how the company determined it was not readily achievable to make the phone accessible.

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This may be a difficult burden to carry because the M600i and the Instinct have alternative access. In contrast to the iPhone, Sony Ericsson’s M600i has touchscreen access along with a keypad with tactile, discernible keys. And the Instinct, in addition to having a touchscreen, has several features that make it accessible. With haptic feedback, the screen vibrates when a keystroke is implemented, confirming the function; audio tags tell users where they are in the menus; and three hard keys on the bottom of the phone never change, always taking the user Back, Home, or to the Phone.

The main objective in designing the Instinct was to make it as customizable as possible so that a user could get to her favorite functions in a single touch, according to a Samsung representative. Interestingly, in executing its objective, the design features that make the Instinct easier to use also make it accessible to a wider range of consumers, including those with disabilities.

Designing products that are not accessible is bad business. More than 20.3 million adults in the United States are visually impaired, representing roughly 10 percent of the population, according to the AAPD. Add to that the baby boomers who are losing their vision and have the money to spend on new technology and gadgets. The consequence of lost sales by disregarding such a large consumer base is staggering.

“We want companies to make products that will sell while keeping their competitive advantage,” the U.S. Access Board’s Creagan says. “The point of accessibility is so that it doesn’t matter if you are disabled.” ☐

**Apple declined to comment for this column.*

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