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April 24, 2023

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Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: *Hearing Aid Compatibility Task Force's Final Report and Recommendation,
WT Docket No. 15-285***

Consumer Technology Association (CTA)^{®1} submits these comments in response the *Public Notice* seeking comment on the Hearing Aid Compatibility (HAC) Task Force's Final Report and Recommendation.² CTA is a member of the multi-stakeholder HAC Task Force and urges the Federal Communications Commission (Commission) to adopt the recommendations of the HAC Task Force, which were reached by consensus and are supported by consumer and market research.

CTA Is the Leading Consumer Technology Trade Association and Has a Strong History Supporting Individuals That Use Hearing Devices and/or Have Hearing Loss. As the leading U.S. trade association of the consumer electronics and information technologies industries, CTA's members include hearing aid and wireless handset manufacturers as well as wireless service providers. CTA promotes the development and use of consensus technical standards, as well as appropriate revisions to those standards. CTA also has an extensive market research department that provides valuable insights for industry and policymakers. One of CTA's most important and long-standing activities has been to convene opportunities for its members to meet with and learn from organizations that represent people with disabilities. CTA and CTA's member companies also participate in several committees, meetings and conferences

¹ As North America's largest technology trade association, CTA[®] is the tech sector. Our members are the world's leading innovators—from startups to global brands—helping support more than 18 million American jobs. CTA owns and produces CES[®]—the largest, most influential tech event on the planet.

² *Wireless Telecommunications Bureau Requests Comment on the Hearing Aid Compatibility Task Force's Final Report and Recommendation*, Public Notice, DA 23-251 (WTB rel. Mar. 23, 2023) (*Public Notice*); see also *Hearing Aid Compatibility Task Force Final Report and Recommendation, WT Docket No. 15-285* (filed Dec. 16, 2022) (*Report*).

throughout the year to directly engage with members of the disability community, including individuals that use hearing devices and/or have hearing loss.

The HAC Task Force Carefully Studied the Issues Identified by the Commission and Forged Consensus Among Many Types of Stakeholders. The HAC Task Force’s recommendations incorporate valuable insights from consumer and hearing-health professional studies, market research and device testing. For example, Working Group 2, co-chaired by CTA’s Rachel Nemeth, conducted two surveys to understand the behavior and experiences of: (1) consumers who use hearing devices; and (2) hearing health care professionals.³ The survey demonstrated that consumers are embracing innovative technologies. For example, nine-in-ten consumer respondents owned smartphones (which typically come with some Bluetooth capability) and nearly two-thirds reported that their hearing device included direct Bluetooth audio streaming.⁴ Indeed, “[d]irect Bluetooth audio streaming was an important feature with a high rate of satisfaction for those consumers who reported having it.”⁵

The HAC Task Force also examined trends in hearing device and wireless handset features, finding that most hearing aids are Bluetooth capable.⁶ Recent Bluetooth standards that enhance audio quality and allow for multi-streaming also have tremendous promise for consumers with hearing loss, both when using their phone and trying to listen in facilities that may have (or, critically, have not) installed inductive loop systems.⁷ CTA notes that after several years, the Food and Drug Administration finalized rules related to over-the-counter hearing aids (OTCs).⁸ CTA championed the law that led to these rules and is excited to see the innovative OTCs already on the market and those that are going to be showcased at CES 2024. Some OTCs are currently incorporating Bluetooth connectivity and, if the trends identified by Working Group 2 continue, many individuals with hearing loss may choose to rely on Bluetooth connectivity when OTC products become more widely available.⁹

³ Letter from Thomas Goode, General Counsel, Alliance for Telecommunications Industry Solutions, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 15-285, at 5 (Jan. 24, 2022).

⁴ *Report* at 47-48.

⁵ *Id.* at 49.

⁶ *Id.* at 41; *see also* Comments of the Hearing Industries Association, MD Docket No. 21-190, at 4 (filed Oct. 21, 2021) (observing that “approximately 80 percent of hearing aids now have some form of wireless connectivity and that percentage is rapidly increasing”). MFi and ASHA are technologies based on Bluetooth designed for use with the Apple and Android operating systems, respectively.

⁷ *Report* at 14; Jason Marcel, *New Audio Streaming Market Forecasts*, Bluetooth Blog (Apr. 7, 2023), <https://www.bluetooth.com/blog/new-audio-streaming-market-forecasts> (Bluetooth Forecasts).

⁸ Jim Fellingner, *FDA Approves Over-the-Counter Hearing Aids, Draws on CTA Standards, Lowers Costs and Increases Accessibility for Consumers*, CTA (Aug. 16, 2022), <https://www.cta.tech/Resources/Newsroom/Media-Releases/2022/August/OTC-Announcement>.

⁹ *See, e.g.*, Karl Strom & David Copithorne, *Best Over-The-Counter (OTC) Hearing Aids in 2023: Price and Sound Comparison*, Hearing Tracker, <https://www.hearingtracker.com/over-the-counter-hearing-aids>

Finally, the HAC Task Force analyzed testing of several wireless handsets for conformance to the 2019 ANSI Standard, finding that none of the handsets were able to pass the volume control clause of the standard owing to a flawed testing framework that previously had not been tested in the real world because handsets were not yet available when the standard was adopted.¹⁰

The HAC Task Force Recommendations Represent a Path to 100 percent HAC That Supports Consumers. After examining all this data, the multi-stakeholder HAC Task Force worked collaboratively to achieve consensus on the best path forward. CTA supports the HAC Task Force’s recommendation as the way “to continue on the path to making 100% of wireless handsets hearing aid-compatible.”¹¹ The interlocking recommendations in the *Report* encourage innovation with a flexible definition for HAC while ensuring testing to objective standards for compliance with deployment benchmarks. Specifically, the HAC Task Force recommends a 100 percent HAC deployment benchmark for RF immunity and wireless/magnetic coupling, while deferring consideration of volume control until an updated technical standard can be developed. The recommendations ensure that the vast majority—at least 85 percent—of offered wireless handsets will support legacy assistive technology (telecoil) while allowing industry to meet the remainder of the 100 percent requirement through Bluetooth, which is an increasingly popular, mainstream audio technology that shows only signs of becoming more widely adopted by individuals with hearing loss.¹²

With respect to volume control, as an ANSI-accredited standards organization, CTA supports developing and updating consensus standards when testing demonstrates that such revisions are necessary—as they are here. Accordingly, CTA supports a temporary waiver of the volume control testing methodology, as the HAC Task Force recommended, to permit the development of a new volume control testing standard.¹³ Consumers will not be harmed by the temporary waiver because the interim steps outlined in the *Report* and Waiver Request will ensure that volume control is tested to accomplish the goal of increased amplification while the standard is revised.

(updated Apr. 20, 2023) (reporting that four of the “top ten” OTCs have “Wireless Audio” but not reporting on the availability, if any, of a telecoil in any of the “top ten” OTCs); Bluetooth Forecasts (“ABI Research forecasts a 9.5x increase in annual shipments of Bluetooth enabled over-the-counter (OTC) hearing devices by 2027.”).

¹⁰ *Report* at 69.

¹¹ *Public Notice* ¶ 2 (quoting *Amendment of the Commission’s Rules Governing Standards for Hearing Aid-Compatible Handsets*, Report and Order, 36 FCC Rcd 4566, ¶ 1 (2021)).

¹² *Report* at 19, 47; Bluetooth Forecasts.

¹³ See Petition of ATIS on Behalf of the Covered Entities of the Hearing Aid Compatibility Task Force for Limited, Interim Waiver, WT Docket Nos. 15-285 & 20-3 (filed Dec. 16, 2022) (Waiver Request). CTA appreciates the recent interim relief of the upcoming compliance deadline so that the record in response to the petition to develop. *Amendment of the Commission’s Rules Governing Standards for Hearing Aid-Compatible Handsets*, Order, DA 23-327 (WTB rel. Apr. 14, 2023).

CTA is proud to be a member of the HAC Task Force and to have worked with advocates, academics, test labs, manufacturers, service providers, and others to develop the HAC Task Force recommendations. The Commission should adopt the consensus recommendations, including granting the requested waiver.

Respectfully submitted,

/s/ J. David Grossman

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