

Redacted



From: Janice S Lintz [REDACTED]
Subject: Critical Risk in Reliance on WCAG for ADA Title II Compliance – Captioning Standards
Date: April 18, 2026 at 4:28 PM
To: Todd.Blanche [REDACTED], brendan.carr [REDACTED]
Cc: [REDACTED]

Dear Attorney General Todd Blanche and FCC Chairman Brendan Carr-

I am writing to formally submit for the record concerns I was unable to present due to the cancellation of my EO 12866 meeting regarding rule 1190-AA82 (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities).

This submission addresses a critical issue: the Department's likely reliance on WCAG-based frameworks to evaluate ADA compliance, despite WCAG's failure to include enforceable captioning quality standards.

This creates a material risk that entities will be deemed compliant while failing to provide effective communication, as required by the ADA.

The World Wide Web Consortium (WCAG) recommends captions but does not define what constitutes usable captions. Specifically, WCAG does not establish measurable requirements for:

- Accuracy (verbatim correctness)
- Synchronicity (timing with speech)
- Completeness (full content coverage)
- Placement (readability and non-obstruction of content)

As a result, WCAG permits captions that are present but unusable.

This is not a theoretical concern. In practice, captions frequently contain errors, omissions, timing failures, and placement issues that render content inaccessible while still appearing compliant under WCAG-based evaluations.

I raised this issue directly with WCAG leadership beginning October 5, 2024. (I have CC'd WCAG on this email.) The responses I received are instructive:

- It was stated that developing captioning standards was "unlikely."
- It was suggested that organizations could "assert" compliance with regional standards rather than meet defined criteria.
- Concerns were raised that captioning standards may be difficult to test.
- It was suggested that global variation may preclude consistent standards.

These positions collectively confirm that WCAG does not and does not intend to provide enforceable captioning standards.

The "assertion" model is particularly problematic. It allows entities to self-certify caption quality without objective validation, effectively replacing enforceable standards with unverified claims.

Further, the argument that captioning standards are difficult to test is not a valid basis to omit them. Accessibility requirements routinely involve qualitative and performance-based criteria. The absence of perfect testability does not justify the absence of standards.

The argument that captioning standards cannot be applied globally is similarly flawed. Core captioning principles: accuracy, timing, completeness, and placement are not region-specific. These are functional requirements necessary for captions to work at all.

In addition, WCAG lacks transparency in its governance. Committee composition and representation are not clearly disclosed, including whether individuals who are hard of hearing are meaningfully represented. This raises concerns about whether the framework reflects the needs of the population it is intended to serve.

At the same time, federal bodies continue to reinforce WCAG-based approaches. The United States Access Board has extended WCAG principles to non-web ICT through WCAG2ICT. As a result, WCAG is increasingly treated as a de facto standard for ADA compliance, despite its known limitations.

By contrast, more specific and operational captioning standards already exist.

The Federal Communications Commission has [adopted](#) captioning quality standards: accuracy, synchronicity, completeness, and placement. However, these standards, while directionally correct, remain high-level and do not provide sufficient specificity for consistent implementation across digital environments. Upon information and belief, the FCC's standards were based on the standards I developed with the ANA below. (Former FCC Consumer Chairman Martin appointed me twice to the FCC Advisory Committee. I was the only parent of a child with hearing loss on the committee.)

More detailed and actionable standards are provided by the [Association of National Advertisers](#), which developed comprehensive captioning guidelines in collaboration with industry stakeholders, which I spearheaded pro bono. These standards address practical implementation issues, including readability, formatting, speaker identification, and usability in [real-world conditions](#).

These standards demonstrate that captioning quality can be defined, implemented, and evaluated in a consistent manner.

The central issue is therefore not the absence of standards, but the failure to adopt or reference them.

If the Department relies on WCAG without addressing these gaps, it risks establishing a compliance framework where:

- Captions are required but not usable
- Compliance is based on presence rather than effectiveness
- Entities self-certify quality without verification
- Individuals who are hard of hearing remain excluded despite nominal compliance

This outcome would be inconsistent with the ADA's requirement for effective communication.

The cancellation of my scheduled testimony prevented these issues from being raised during the rulemaking process. I am therefore submitting them here to ensure the record reflects these concerns.

I respectfully urge the Department to:

1. Recognize that WCAG does not provide sufficient captioning standards to ensure ADA compliance.
2. Clarify that captioning must meet objective quality criteria to constitute effective communication.
3. Avoid reliance on self-certification models ("assertions") in place of enforceable standards.
4. Consider incorporation or reference to more detailed captioning standards, including those developed by the Association of National Advertisers.

This is a solvable issue. The standards exist. The risk arises from reliance on a framework that does not require them.

I have copied the Federal Communications Commission given the relevance of its captioning standards. I am here to assist in any way that is helpful. I am based in Washington, DC and work pro bono.

Thank you for your consideration.

Sincerely,
Janice S. Lintz

Hearing Loss Changemaker

2025 [UN's World Health Organization's World Hearing Forum Changemaker](#)

2023 [Presidential Management Fellow](#) Finalist

2023 Forbes 50/50 Finalist

2022 Congressional Recognition by Congressman Paul Tonko

2022 [NYS Disability Rights Hall of Fame Inductee](#)

2021 Cited in the Proposed [FDA OTC Hearing Aid Regulations](#)' footnotes

2018 Bill and Melinda Goalkeepers Foundations Partnership with TPG Recipient

2016 Aspen Institute Spotlight Health Scholar

2016 Nominated United State of Women Changemaker

2016 Acknowledged in the [National Park Service Accessibility Guidelines](#) (P76)

2008 [People Magazine Hero](#)

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