



# NEWS

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**Federal Communications Commission**  
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**Washington, D. C. 20554**

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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## **FCC ACTS TO PROMOTE ACCESSIBILITY OF DIGITAL WIRELESS PHONES TO INDIVIDUALS WITH HEARING DISABILITIES**

Washington, D.C. – Today the FCC adopted a Report and Order requiring wireless manufacturers and service providers to make digital wireless phones accessible to the more than 6 million individuals with hearing disabilities that use hearing aids.

Specifically, the Commission modified the exemption for wireless phones under the Hearing Aid Compatibility Act of 1988 (HAC Act) to require that digital wireless phones be capable of being effectively used with hearing aids. The FCC found that modifying the exemption will extend the benefits of wireless telecommunications to individuals with hearing disabilities, thereby increasing the value of the wireless network for all Americans.

The Commission's actions fulfill the Congressional goal of ensuring access to telecommunications services for individuals with hearing disabilities and are critical in light of the rising number of wireless calls to emergency services and the growing trend among wireless carriers to move away from analog services in favor of more efficient, feature-rich digital services.

In order to make digital wireless phones accessible to individuals who use hearing aids, the Commission found that digital wireless phone manufacturers and service providers should be required to take steps to reduce the amount of interference emitted from digital wireless phones and to provide the internal capability for telecoil coupling.

### Background

Hearing aids operate in one of two modes – acoustic coupling or telecoil coupling. Hearing aids operating in acoustic coupling mode receive and amplify all sounds surrounding the user, both desired sounds, such as a telephone's audio signal, as well as unwanted ambient noise. Hearing aids operating in telecoil coupling mode avoid unwanted ambient noise by turning off the microphone and receiving only magnetic fields generated by telecoil-compatible telephones. In the United States, about 25-30 percent of hearing aids contain telecoils, which generally are used by individuals with profound hearing loss.

Approximately six million Americans use hearing aids to improve their hearing. Although analog wireless phones do not generally cause interference problems for hearing aid users, digital wireless phones can cause interference to hearing aids and cochlear implants because of electromagnetic energy emitted by the phone's antenna, backlight, or other components. This interference can be significant enough to prevent individuals with hearing aids from using wireless phones.

The HAC Act and Section 68.4 of the Commission's rules require most telephones to be compatible with hearing aids. However, the statute and rules exempt certain categories of telephones from the hearing aid compatibility requirements, including wireless phones.

To make certain that the HAC Act kept pace with the evolution of telecommunications, Congress directed the Commission to periodically assess whether the exemption for wireless phones should be revoked or limited. Specifically, the statute requires the FCC to "revoke or otherwise limit" the exemptions if the Commission determines that specific requirements have been met.

In the adopted Report and Order, the Commission found that the statutory requirements for modifying the exemption have been met. Modifying the exemption for wireless phones will serve the public interest by facilitating access by individuals with hearing disabilities to digital wireless telecommunications services, including the ability to contact public safety agencies in an emergency.

#### Specifics of the Adopted Report and Order

The Commission took the following actions in the adopted Report and Order:

- adopted certain performance levels set forth in a technical standard established by the American National Standards Institute (ANSI) as the applicable technical standard for compatibility of digital wireless phones with hearing aids;
- required compliant handsets to provide both reduced radio frequency (RF) interference ("U3" as defined in the ANSI standard) and telecoil coupling capability ("U3T" as defined in the ANSI standard);
- required digital wireless phone manufacturers to make available to carriers within two years at least two HAC-compliant handsets with reduced RF emissions for each air interface it produces; and required each carrier providing digital wireless services, except for nationwide (Tier I) wireless carriers, to make available to consumers within two years at least two HAC-compliant handsets with reduced RF emissions for each air interface it offers;
- required nationwide (Tier I) wireless carriers to offer within two years two HAC-compliant handsets with reduced RF emissions for each air interface it employs, or to ensure that one quarter of its total handset models are HAC-compliant with reduced RF emissions within two years, whichever option yields a greater number of handsets;
- required digital wireless phone manufacturers to make available to carriers within three years at least two HAC-compliant handsets with telecoil coupling for each air interface it produces; and required each carrier providing digital wireless services to make available to consumers within three years at least two HAC-compliant handsets with telecoil coupling for each air interface it offers;
- created a *de minimis* exception exempting digital wireless carriers and manufacturers that offer two or fewer total handset models from offering any HAC-compliant handsets, and permitting digital wireless carriers and manufacturers that offer three handset models to offer only one HAC-compliant handset model;
- encouraged digital wireless phone manufacturers and service providers to offer at least one compliant handset that is a lower-priced model and one that has higher-end features;

- required one half of all digital wireless phone models offered by a manufacturer or carrier to be compliant with the reduced RF emissions requirements by February 18, 2008, the sunset date for the FCC's requirements that wireless carriers offer analog service;
- required wireless carriers and digital wireless handset manufacturers to report semiannually (every six months) on efforts toward compliance during the first three years, then annually thereafter through the fifth year of implementation;
- required manufacturers to label packages containing compliant handsets and to make information available in the package or product manual, and required service providers to make available to consumers the performance ratings of compliant phones;
- committed to compiling an FCC staff report on the progress of the implementation of these rules shortly after the end of three years, and to initiate a proceeding to reevaluate the situation to determine what further steps are required; and
- encouraged hearing aid manufacturers to label their pre-customization products according to the ANSI standard.

The Commission indicated that it expects hearing aid manufacturers to begin labeling hearing aid models with their specific ratings in accordance with the ANSI standard in order to assist consumers in successfully combining digital wireless handsets with hearing aids. If inadequate progress is made by these manufacturers in labeling hearing aids, the Commission plans to examine the scope of its jurisdiction over hearing aid manufacturers in order to facilitate the goal of achieving hearing aid compatibility for consumers.

In addition, the Commission encouraged digital wireless handset manufacturers and service providers to engage in outreach efforts to educate the public on hearing aid use with digital wireless phones, and to help identify compliant phones for consumers and audiologists. The Commission also announced that, through the Consumer & Governmental Affairs Bureau, it would engage in a comprehensive targeted outreach campaign, in coordination with the Food and Drug Administration, to ensure that individuals with hearing disabilities are informed of the actions taken in the Report and Order and the availability of hearing aid compatible wireless digital phones. These coordinated outreach efforts will include fact sheets and other information made available through the FCC's web site and national call center, a Consumer Alert outlining the requirements of this Order, and dissemination of information about the accessibility of HAC-compliant digital wireless phones to schools, to the medical community, and to groups and associations representing individuals with hearing disabilities and audiologists.

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Action by the Commission July 10, 2003, by Report and Order (FCC 03-168). Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein, with Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein issuing separate statements.

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