

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules Governing Standards for Hearing Aid-Compatible Handsets	)	WT Docket No. 20-3
	)	
Amendment of the Commission's Rules Governing Hearing Aid- Compatible Mobile Handsets	)	WT Docket No. 07-250 (terminated)
	)	
Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations	)	WT Docket No. 10-254 (terminated)
	)	

COMMENTS OF JANICE SCHACTER LINTZ

April 10, 2020

INTRODUCTION:

I am Janice Schacter Lintz, CEO of Hearing Access & Innovations (HAI) (f/k/a Hearing Access Program) and the mother of a 25-year-old daughter who is hard of hearing. I am a former member of the Federal Communications Commission (FCC) 's Consumer Advisory Committee, appointed for two terms under Chairman Martin. I am also the author of "How to Buy a

Cellphone when you have a Hearing Loss," published in Volta Voices,<sup>1</sup> which was the most frequently downloaded article by Better Hearing Institute. It was the first article that explained to consumers with a hearing loss on how to select a suitable cell phone.

I frequently write on topics related to hearing loss and consumer education. See my articles published in the Huffington Post.<sup>2</sup>

## DISCUSSION:

I applaud the FCC for as Commissioner Carr said, seeking to "harmonize the European and American tests for RF interference to hearing aids. [This] will eliminate duplicative review while also raising the standard." I concur with Commissioner Starks that these regulations will "streamline other regulations and makes it easier for device manufacturers to test new handsets."

However, I am concerned that using the term hearing aid compatible (HAC) is confusing and opens the door for a company to use proprietary technology<sup>3</sup> the telecoil. Apple has<sup>4</sup> already tried to do this, and I think that this rule is a backdoor workaround for the FCC's previous denial under a former FCC Commissioner. "HAC" designation misleadingly implies that all phones with such a designation work with all hearing aids, when the cell phone only works with a partnered Bluetooth hearing aid, proprietary technology or a telecoil. "HAC" will create confusion, because people will not know which technology the phone uses. Telecoil-accessible phones are universally HAC. The FCC is excluding cochlear implants by only mentioning hearing aids which is inappropriate and also misleading.

The FCC should make clear that hearing aid compatible means telecoil. I respectfully request the FCC to change the term HAC to telecoil or T-coil

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<sup>1</sup><https://janiceslintz.files.wordpress.com/2009/02/vv-cellphone-109.pdf>

<sup>2</sup> <https://www.huffpost.com/author/janice-s-lintz>

<sup>3</sup> <https://janiceslintz.files.wordpress.com/2016/02/16-0226-fccapplecell.pdf>

<sup>4</sup> <https://janiceslintz.files.wordpress.com/2016/02/16-0226-fccapplecell.pdf>

and, as such, use the ear with the T symbol (See below.) rather than the HAC.<sup>5</sup>



The ear with the T is used and known globally as telecoil compatible with hearing aids and cochlear implants. The symbol is used globally in museums, theaters, airports to name but a few.<sup>6</sup> Please do not introduce another symbol to create confusion. Plus, the logo overcomes language barriers, which is critical in an emergency. There is no need to create a new symbol that requires knowing English and deciphering what Hearing Aid compatible means?

The FCC's decision will have ripple effects in the hearing aid industry, which is less regulated. The FCC not delineating the T-coil as HAC will impact and create a free-for-all with the hearing aid market permitting every manufacturer to use proprietary technology. Using patented technology defeats the point of this ruling.

I was hoping these standards would encourage the FDA to adopt them and use ANSI testing for its new OTC regulations for hearing aids. The FDA currently doesn't use the international ANSI standards to test hearing aids. Manufacturers introduce new models based on them being the functional equivalent of the hearing aid's predecessor. No one knows if the hearing aids deliver what they claim they do. See my Testimony<sup>7</sup> before the FDA in April 2016.

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<sup>5</sup> <https://janiceslintz.files.wordpress.com/2016/02/exa-loopsinairports.pdf> and <https://janiceslintz.files.wordpress.com/2016/02/exb-museumvideomonitors.pdf>

<sup>6</sup> <https://janiceslintz.files.wordpress.com/2016/02/exa-loopsinairports.pdf> and <https://janiceslintz.files.wordpress.com/2016/02/exb-museumvideomonitors.pdf>

<sup>7</sup> <http://wayback.archive-it.org/7993/20171115155057/https://www.fda.gov/downloads/MedicalDevices/NewsEvents/WorkshopsConferences/UCM500626.pdf>

I disagree with Commissioner O'Reilly's concern about "adopting specific standards into our rules" while agreeing with his underlying point. The problem, as I regularly note in my comments, is that without clear lines, manufacturers never provide the access that we hope they will. They use proprietary technology that places the consumer in an untenable position or circumvents the rules, as noted in my article on cell phones. (Footnote 1)

I see this in hearing access generally. Vague legislation permits technology to evolve; however, it also shifts the burden to the consumer to prove the rules cover the needed or updated technology. There is no more significant example of this, than the term "effective access," which has come to mean "no or partial access." Museums around the United States, including at the Smithsonian<sup>8</sup>, seem to think that access is a menu to pick and choose rather than providing access for the full spectrum of people with hearing loss. If our nation's museum doesn't provide critical access for people with hearing loss based on its reading of the general term, "effective access" then I hold no hope that anyone else will do otherwise.

Based on my 18 years of experience, people with hearing loss are better off having clear definitions and then updating the language as necessary. Technology doesn't change as fast as legislators think it does when drafting guidelines.

So I urge the FCC to provide bright lines with the clear statement that the FCC does not mean for them to be "frozen in time" and the standards must evolve as technology evolves. Please remove the burden off of people with hearing loss and their parents to advocate regularly to receive the access that seems so evident to others.

## CONCLUSION

Cell phones have become an integral part of our global daily life. People with hearing loss must be afforded the same options and opportunities as everyone else. People with hearing loss cannot overcome the obstacles without the FCC's involvement. I applaud the FCC for seeking to update its terms. There is no market incentive for the cell phone companies to exceed

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<sup>8</sup> [http://www.huffingtonpost.com/janice-s-lintz/shame-on-the-smithsonian-\\_b\\_12215402.html](http://www.huffingtonpost.com/janice-s-lintz/shame-on-the-smithsonian-_b_12215402.html)

the minimum requirements, and CTIA has made clear their position. When was the last time that the FCC was presented with any telecom company significantly exceeding the minimum regulations?

It is wishful thinking that companies will do the right thing. Mobile wireless technology is critical for people to work, travel, and function in today's world. Telecommunications need to apply to everyone equally.

Please change the terminology from HAC to telecoil/T-coil compatible and update the symbol to the internationally recognized ear symbol with a T rather than the HAC to avoid global confusion.

Think of all the people in the hospital dying from COVID-19 when the FCC considers this ruling. What if they have a hearing loss and cannot hear their families as they take their last breath because the only cell phone available is not T-coil compatible? We don't always get to select which phone we use in an emergency.

Respectfully submitted,

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