



Registry of Interpreters for the Deaf, Inc.

March 9, 2012

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: CG Docket No. 10-51 "Structure and Practices of the Video Relay Service Program"

Dear Secretary Dortch:

The Registry of Interpreters for the Deaf (RID) respectfully offers the following comments in response to the Federal Communications Commission (FCC) Further Notice of Proposed Rulemaking (FNPRM) released on December 15, 2011, concerning proposed rules for the Video Relay Service (VRS) program. RID appreciates the work the FCC has done to establish rules and regulations to assure that the nation's VRS system is functionally equivalent to conventional voice telephone services. We are pleased to see the ongoing commitment from the FCC in continuing to reexamine the fundamentals of the Commission's VRS rules. Our comments speak to the intent of functional equivalence<sup>1</sup> and how it relates to the quality of services provided.

**Functional Equivalence** Over the years, progress toward achieving *functional equivalence* has been evaluated primarily by speed of answer. RID believes that functional equivalence can only be measured by the success of the calls made. Hearing callers expect to be understood when placing a call (with the obvious exception of issues like technical difficulties, bad weather or foreign speakers). For VRS, functional equivalence can only be achieved when deaf callers can fully share the same expectation as hearing callers.

The FCC has previously explained that the Communications Assistant (CA), or interpreter, must simply be a transparent conduit or dial tone; and while they have offered reasoned arguments for this, we believe that the results of this strategy have led to a service industry that dismisses the importance and value of the key link in the relay chain – the interpreter. Technology provides the means for which VRS is made available, but it is the professional interpreter who makes the communication a reality. Diminishing the role of the interpreter and calling them CAs undermines the value of an entire profession with the education, years of experience and a history of supporting and working with the nation's deaf and hard of hearing communities. By not incorporating the expertise of the interpreting profession, a system has been created that does not include the established protocols, practices and standards which were born from years of experience providing community based interpreting.

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<sup>1</sup> PL 101-336, July 26, 1990, codified at 47 U.S.C. § 225(a)(3) of the Communications Act of 1934, as amended ("Act").

Unfortunately, it results in an existing VRS program that continues to overlook the role of the interpreting process and the role of the interpreter in meeting functional equivalence, and by doing so, threatens the success of the entire VRS program. We strongly encourage the FCC to reassess the need to make interpreters “transparent” – or at the very least, allow that interpreting is the core function and utilize the strategies and expertise of the interpreting profession to improve upon services and better meet the varied needs of VRS consumers.

As of today, deaf and hard of hearing consumers who are accessing VRS are subject to a “One Size Fits All” service that may or may not meet their needs; this is contrary to best practices in the field of interpreting which focus on matching the interpreter with the language and situational needs of the consumer. The VRS industry currently utilizes a system of routing incoming calls to the **next available** CA, without regard for the ability of the interpreter to meet the specific needs of that ‘next’ caller. As was the goal of the FCC in expanding VRS service to a larger population of deaf and hard of hearing individuals, the consumers who use VRS are a diverse group with very different and specific needs. Matching consumer needs with interpreter skill has been an essential best practice that is nonexistent in the national VRS system. For example, if the hard of hearing caller requires lipreading, is the **next available** interpreter easy to lipread and/or adept at sign supported speech? If the call’s success requires a Certified Deaf Interpreter (CDI), is there one available to meet this need? It is an unrealistic assumption that the skills of every interpreter can match or meet the language needs of every deaf person equally. Having a “One Size Fits All” system for such a subjective service will prohibit the overall goal of achieving functional equivalence.

Every call that is relayed requires that the interpreter understand at least two languages. They must be able to culturally mediate the interactive communication so that the dialogue is understood by all. This requires a high level of skill that is only obtained through years of experience and education, and is most often demonstrated by nationally certified interpreters. Without an interpreter who has this level of demonstrated ability, the communication is often ineffective. It is this same deficiency in the current system that has eroded customer trust that their call will be successful.

We must also mention the health and safety of interpreters employed in VRS settings and the negative affects to the interpreted message when the interpreter is overworked or overly tired. RID recommends ergonomic safety guidelines; reasonable breaks from the demands of VRS; teaming opportunities, adequate training on current trends and technical issues for which they are responsible related to the service; and overall support to meet the physical and mental demands of VRS work.

Deaf and hard of hearing individuals deserve to have interpreters who can meet their needs and skillfully represent them in any call. Unfortunately, we have already seen a change in the industry hiring practices; at one point, each provider reported hiring only certified and experienced community interpreters but now, many are hiring pre-certified interpreters or student signers to be trained on the job.

**Minimum Standards** RID and its members, who include the pioneers of the VRS system and many of its remaining interpreters, ask the FCC to assure functional equivalence by requiring a minimum level of competency demonstrated by national certification for all interpreters who serve as the CAs in VRS.

RID believes that NAD-RID national certification, which is the oldest and most robust system in the country, must be the minimum standard for qualifications for VRS interpreters.<sup>2</sup> RID certified interpreters can be found across the nation with a credential that crosses state boundaries in both recognition and respect. RID recommends using this national model with its demonstrated levels of skill, a commitment to professional development and adherence to the NAD-RID Code of Professional Conduct as we look at the feasibility of developing specialty certifications, which may include VRS or video settings. RID currently has more than 9,500 RID certified interpreters with another 500 or more who have begun the certification process. There are certainly sufficient resources within the nation to staff and assist in supporting a strategic direction within the VRS program to provide the highest quality services that will ultimately lead to successful and functionally equivalent calls for deaf and hard of hearing persons.

**Expanded functionality-** In their document, *Consumer Groups' TRS Policy Statement - Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act* (the "Policy Statement")<sup>3</sup> consumers have expressed their desire to see TRS expand their services to better meet their needs. RID recommends that the FCC require providers to establish quality assurance mechanisms to gather feedback from consumers, both hearing and deaf, regarding their experiences and their satisfaction with the relayed call and its relative success.

The core service of VRS demands a strong, experienced interpreting workforce to allow the providers to expand their services to meet the specific needs of consumers. By utilizing the skills and expertise of their interpreters, providers will be able to provide the type of VRS service that will move VRS toward true functional equivalence. The following are a sampling of potential services that could be offered:

**Interpreter / Caller Matches:** Deaf and hard of hearing callers are diverse. RID recommends utilizing routing systems that will allow consumers to voluntarily create a profile outlining their preferences and communication needs. This information could then be compared to interpreter profiles detailing their experiences, their strengths and their credentials. A further step could also capture preferences by the deaf or hard of hearing caller identifying specific interpreters that they would like to work with should they be available. This is a much more sophisticated system than routing calls to the next available interpreter. If the goal is to make each call successful, with success being defined by communication outcome, then it makes sense to move toward the ability to give consumers a choice.

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<sup>2</sup> Registry of Interpreters for the Deaf. *Video Relay Service Interpreting, Standard Practice Paper*, [www.rid.org/](http://www.rid.org/)

<sup>3</sup> Letter from Tamar E. Finn and Brett P. Ferenchak, Counsel to TDI, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, attach. (filed Ap. 12, 2011).

Certified Deaf Interpreters (CDI): RID recommends that interpreting protocols be adopted and utilized to include the use of CDIs when needed for effective communication..

Emergency Calls: RID strongly recommends that only specially trained, experienced, and credentialed interpreters handle emergency calls. To date, providers have met the requirement for immediate answering by sharing the burden across the entirety of their workforce, regardless of their qualifications. By routing emergency calls to the next available interpreter, we are doing a disservice to the consumers in need of emergency help. Worse, the use of interpreters who have limited experience, little or no training and no support is detrimental to the safety and response goals and outcomes of an emergency call.

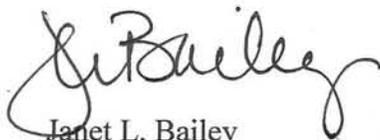
### Summary

RID respectfully recommends that the FCC:

1. Reassess the current evaluation of *functional equivalence* by measuring the success of calls made through VRS and the satisfaction of the callers.
2. Recognize interpreters as the professionals who provide the core service of VRS
3. Establish a minimum standard of NAD-RID national certification for interpreters working in VRS.
4. Provide expanded functionality by requiring the implementation of routing systems that allow consumer choice by matching them with interpreters who best meet their needs or who have experience with specialty language or topics.
5. Reconsider how to allow for team interpreting as a reimbursable expense to providers; which would allow for the hiring and utilization of more CDIs.
6. Require strict standards for E-911 calls.

Thank you for your time and consideration of our comments and recommendations. RID stands ready to respond to any questions or requests for clarification.

Sincerely,



Janet L. Bailey  
Government Relations Representative