



# Regulatory Overview: Audio Description of Video Programming

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# Introduction to Audio Description Requirements

- Audio description makes video programming more accessible to individuals who are blind or visually impaired through the insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.
- The rule defines “video programming” as “[p]rogramming provided by, or generally considered comparable to programming provided by, a television broadcast station, but not including consumer-generated media.” 47 CFR § 79.3(a)(4).



# Audio Description Requirements for Broadcast Stations

- Commercial television broadcast stations that are affiliated with one of the top four commercial television broadcast networks (ABC, CBS, Fox, and NBC) and are located in the top 80 television markets must provide:
  - 50 hours of audio-described programming per calendar quarter during prime time or on children's programming, and
  - an additional 37.5 hours of audio-described programming per calendar quarter at any time between 6 a.m. and midnight. 47 CFR § 79.3(b)(1).
- Television broadcast stations that are affiliated or otherwise associated with any television network must also pass through audio description when the network provides it, subject to certain exceptions. 47 CFR § 79.3(b)(3).



# Phase-In to Additional DMAs

- In October 2020, the Commission adopted a Report and Order expanding its audio description requirements by phasing them in for an additional 10 designated market areas each year for four years.
  - Requirements now extend through DMA 80 as of January 1, 2022, and
  - will expand to DMAs 81 through 90 on January 1, 2023, and to DMAs 91 through 100 as of January 1, 2024.
- In 2023, the Commission will determine whether to continue expanding the audio description requirements to an additional 10 DMAs per year.



# Audio Description Requirements for MVPDs

- MVPD systems that serve 50,000 or more subscribers must provide on each of the top five national nonbroadcast networks that they carry on those systems:
  - 50 hours of audio-described programming per calendar quarter during prime time or on children's programming, and
  - an additional 37.5 hours of audio-described programming per calendar quarter at any time between 6 a.m. and midnight. 47 CFR § 79.3(b)(4).
- MVPD systems of any size must also pass through audio description provided by a broadcast station or nonbroadcast network they carry, subject to certain exceptions. 47 CFR § 79.3(b)(5)(i)-(ii).



# Top Five Nonbroadcast Networks

- List of top five nonbroadcast networks is updated by the Commission every three years based on changes in ratings.
  - Defined by an average of the national audience share during prime time of nonbroadcast networks that:
    - reach 50 percent or more of MVPD households, and
    - have at least 50 hours per quarter of prime time programming that is not live or near-live or otherwise exempt under the audio description rules.
- As of July 1, 2021, the top five national nonbroadcast networks are TLC, HGTV, Hallmark, History, and TBS.



# Exemptions and Complaint Procedures

- A video programming provider may petition the Commission for full or partial exemption based on economic burden. 47 CFR § 79.3(d).
- A complainant may file a complaint concerning an alleged violation of the audio description requirements by transmitting it to the Consumer and Governmental Affairs Bureau. 47 CFR § 79.3(e).

