



HLAA Testimony – H. 312 Open Captions at Some Movie Screenings

Thank you for the opportunity to submit testimony in support of H. 312. The Hearing Loss Association of America provides information, education, support and advocacy to people with hearing loss. Through its advocacy work at the federal level, HLAA represents the 48 million Americans with hearing loss. HLAA Vermont advocates on behalf of the more than 60,000 Vermonters with hearing loss.

There is a Need for Open Caption Movie Screenings in Vermont

Between 60,000 and 125,000 Vermonters experience some degree of hearing loss. Of these, between 39,000 and 59,000 are seniors.¹

Most of us have stopped going to the movies since we don't understand the dialog, especially when the actors speak rapidly or quietly, or have strong accents. Because of our disability, we are denied access to a treasured cultural and social experience. We once loved going to the movies. But these days we watch at home, where we can turn on subtitles, or stream the audio direct to our hearing aids.

The Americans with Disabilities Act (ADA) Does Not Meet Our Needs

Under the Americans with Disabilities Act (ADA), movie theaters are required to provide services for people with hearing loss. Typically, this is done with close caption devices (personal monitors with text displays that are attached to cup holders) or assisted listening devices (wireless headsets that amplify the sound). HLAA VT members have tested these devices at several Vermont cinemas. Our conclusion, and that of a strong majority of the hearing loss community, is that they don't work very well. Problems include a poor movie experience with the cup holder devices, battery failure, sporadic connectivity, poor audio quality, complete failure and poorly trained staff. Some of us also dislike the stigma associated with using these devices.

Open Captions are a Better, No-Cost Solution

Cinema owners could unlock a new revenue stream, simply by providing all movie goers with a small number of open caption screenings. Open captions **cost nothing**, are readily available, meet ADA requirements, and work both for those with hearing loss and also for those with normal hearing.

Open captions are subtitles that appear on the bottom of the screen and are viewed by everyone in the movie theater.

¹ Report to the Governor and General Assembly, The Vermont Deaf, Hard of Hearing and Deaf/Blind Advisory Council, January 15, 2020. <https://legislature.vermont.gov/assets/Legislative-Reports/Final-Council-Report-December-2020.pdf>

From an operational perspective, open caption screenings are straightforward. For each movie they screen, cinemas purchase a “Digital Cinema Package” which almost always contains an open caption file. The cinema technician simply selects the open caption file and runs it. Turning on open captions is as simple as adding subtitles to home streamed movies. There is no cost.

Open Captions and H. 312 Provide all Moviegoers with Choices

This provision of H. 312 is critically important.

As drafted, H. 312 requires open caption screenings to be clearly identified in all marketing materials so that all movie goers can choose show times that offer the experience they prefer – captions or no captions. Those who dislike captions can choose from among the more than 80% of screenings without captions.

Evidence for and Against Open Captions

Everyone appreciates open captions while watching foreign language movies. But movie theater owners believe that, with this one exception, open caption screenings reduce ticket sales. There is no credible data that supports this belief:

- Even the National Association of Theater Owners (NATO) recently stated, “... There isn’t a lot of solid data. There’s a lot of anecdotes and strong feelings.”²
- A NATO pilot study at select Washington, DC movie theaters has been criticized by DC Deaf Moviegoers for being designed to show that nobody attends open caption screenings.²
- A poorly designed Hawaiian open caption impact study noted, “... Due to resource limitations, the analysis did not test for causation for the difference in attendance.”³

Two business surveys reveal support for open captions, and not just from those with hearing loss:

The accessible video company, 3Play Media, surveyed their followers and found that:

- 98% watched movies and TV shows with captions turned on at least occasionally; 38% always watched with captions on.
- The reasons cited were to: help maintain focus, learn vocabulary, decipher thick accents or poor audio quality, and for watching in noisy environments.
- Captions should be thought of as an asset to everyone, not simply as a useful tool for those with hearing loss.⁴

² DC Theaters Launched an Open Caption Pilot Program. Why are Deaf Moviegoers so Skeptical Of It? <https://dcist.com/story/19/07/15/d-c-theaters-launched-an-open-caption-pilot-program-why-are-deaf-moviegoers-so-skeptical-of-it/>

³ Impact of Act 039 Relating to Movie Theaters, Department of Business, Economic Development and Tourism, December 2017. https://files.hawaii.gov/dbedt/economic/data_reports/impact_act39_movie_theaters.pdf

⁴ 3 Play Media. Survey Results: Closed Caption Use. January 4, 2018. <https://www.3playmedia.com/2017/04/21/infographic-closed-captions-use-survey/>

The consulting firm, Audio Accessibility, analyzed 5,000 responses to their “Movie Theater Captioning Access Survey” and found that:

- 91% of respondents weren’t bothered by open captions.
- 75% preferred open captions so long as they were done well and easy to read.
- 46% of respondents had normal hearing; 54% had hearing loss.⁵

Availability of Open Caption Screenings

Outside Vermont, open caption movie screenings are available or proposed under various arrangements:

- Under Hawaii’s first-in-the-nation legislation, cinemas with more than two locations are required to provide open captions for at least two screenings a week.⁶
- In Virginia, proposed legislation requires, among other provisions, that movie theaters with four or more separate auditoriums offer two open caption screenings a week.⁷
- Under proposed legislation filed last February, Cinemas in DC with more than one screen would be required to offer open captions for 12% of their weekly screenings.⁸
- DC Deaf Moviegoers surveys their 1,200 subscribers each month, requests specific open caption screenings at up to 11 cinemas, and then promotes confirmed screenings with weekly emails and social media posts.⁹
- In Fairfax, VA, Cinema Arts University Mall theaters have “Open Caption Sundays” once a month for all movies that screen at around 7 pm.¹⁰

Open Caption Screenings in Vermont

In Vermont, Essex Cinemas¹¹ (Essex Junction), the Savoy Theater¹² (Montpelier), Paramount Theater¹³ (Barre), and Capitol Showcase¹³ (Montpelier) offer a small number of open caption screenings.

Essex Cinemas screens two or three open caption movies every second Saturday morning at 10:00 am. Attendance has been very low, perhaps because Saturday morning is a new screening

⁵ 2018 Movie Theater Captioning Survey by Audio Accessibility. <https://docs.google.com/document/d/175CCpctYrIkSiBHh8G4hCPigsabl5KcndO50Tljj7QY/edit>

⁶ H.B. 1009. https://www.capitol.hawaii.gov/session2019/bills/HB1009_SD1_.pdf

⁷ VA SB 274. Motion picture theaters; required open caption showings. <https://legiscan.com/VA/bill/SB274/2020>

⁸ DC B23-0146. Open Movie Captioning Requirement Act of 2019. <https://legiscan.com/DC/text/B23-0146/2019>

⁹ DC Deaf Moviegoers, <https://www.facebook.com/groups/dcdeafmoviegoers/>

¹⁰ <https://www.cinemaartstheatre.com>, <https://www.universitymalltheatres.com>

¹¹ <http://essexcinemas.com/essex-cinemas-open-caption-shows.php>

¹² <https://www.savoytheater.com>

¹³ <http://www.fgbtheaters.com/index.php>

time, and weekend mornings are not popular with moviegoers.¹⁴ For almost a year, the Savoy Theater has offered open caption screenings on Monday evenings in the upstairs theater. These screenings are appreciated by the Savoy's patrons, and there have been no complaints.¹⁵ The Paramount Theater and Capitol Showcase have been offering open caption screenings on Wednesdays (the first screening) and Sundays (the first matinee) since early January.

As drafted, H. 312 requires cinemas with four or more screens to provide at least four open caption screenings a week for each movie. Movie theaters with two or more screens are required to offer two open caption screenings a week; Single screen movie theaters, would offer one open caption screening a month.

HCAA VT has analyzed the impact of H. 312, as drafted, on a representative sample of Vermont's 26 movie theaters. We found that about 17% of all screenings would be open caption.¹⁶ We have also looked at modifications to H. 312 that would reduce the percentage of open caption screenings and address some unforeseen consequences of the bill as drafted. We would welcome the opportunity to discuss this research with members of the Human Services Committee.

Supporters of H. 312

H. 312 is supported by the following organizations:

AARP VT
Community of Vermont Elders
Deaf Vermonters Advocacy Services
Hearing Loss Association of America, Vermont Chapter
Registry of Interpreters for the Deaf
Vermont Association of the Deaf
Vermont Center for Independent Living
Vermont Coalition for Disability Rights
Vermont Hands and Voices
Vermont Speech-Language Hearing Association
Adirondack Audiology (Shelburne, VT)
Better Living Audiology (South Burlington, VT)
Vermont Audiology (Montpelier, VT).

Thank you for the opportunity to testify in support of H. 312.

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Hearing Loss Association of America
Vermont Chapter

¹⁴ In a survey of 80 members of DC Deaf Moviegoers, Erik Nordhoff found that Saturday and Sunday mornings were the least popular times for open caption screenings.

¹⁵ James O'Hanlon, Owner, Savoy Theater. January 21, 2020.

¹⁶ Open Captions Research – VT Movie Theaters 01-20-20. Available upon request.