

What's New in Section 508

Originally issued in 2000, the U.S. Access Board has been working on updating the information technology and communications (ICT) requirements for federal agencies under Section 508 of the Rehabilitation Act of 1973, as amended in 1998. This process, known as the "508 Refresh", resulted in [new rules, published in the Federal Register](#) on January 18, 2017 with an effective date of January 18, 2018. The rules are also available on the [Access Board website](#).

About two-thirds of the document reviews the history of the Refresh and discusses comments received and their responses to them.

As one might expect for rules about ICT over ten years in the making, there are significant changes.

Changes

Combined rules for Section 508 and Section 255

The new rules includes standards for Section 508 as well as guidelines for telecommunications under Section 255 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. There are separate Application and Administration and Scoping Requirements sections for 508 and 255, but the rest is shared.

The Federal Communications Commission (FCC) has the final authority for rule making for telecommunications, which is why Section 255 has only guidelines. Additionally, the FCC's rules pertain to telecommunication equipment manufacturers and service providers, so our interest is in making sure our providers are compliant. (See the [FCC Accessibility Clearinghouse](#) for manufacturers' information on accessibility features of their equipment and directories of telecommunications service providers and equipment manufacturers.)

Performance-based

Technical requirements for hardware, software, and support documentation and services are based on what things do - functionality - rather than specific product types. For instance, a smartphone is both a computer or a telephone, but the same rules cover both so you don't have to pick.

Harmonization with international standards

Using the same standards as everybody else makes it easier to promote and provide ICT accessibility. Rather than write their own rules, the new rules use Incorporation By Reference (IBR) to include a list of international standards, listed in Appendix C, Chapter 7.

- *WCAG2: Web Content Accessibility Guidelines, Version 2, Levels A and AA.*
This is the standard we have been encouraging people to use. As it is written to be technology neutral, they are applying it to everything, not just "web" content, with W3C guidance provided on applying WCAG2 to non-web ICT.
- *ATSC A/53 Part 5:2014, Digital Television Standard, Part 5—AC-3 Audio System Characteristics*
This is used to define requirements for TV tuners.
- *ANSI/AIIM/ISO 14289-1:2016, Document Management Applications - Electronic Document File Format Enhancement for Accessibility - Part 1: Use of ISO 32000-1 (PDF/UA-1)*
This covers the requirements for ICT that exports documents in the PDF format rather than PDF documents themselves, which are covered by WCAG2
- *ANSI/HFES 200.2, Human Factors Engineering of Software User Interfaces — Part 2: Accessibility*
This is used in the requirements for "platforms" such as computer operating systems, and specifies the things they must have to be "accessibility supported" so they will interact correctly with content, applications, etc., covered by WCAG2.
- *ICC A117.1-2009, Accessible and Usable Buildings and Facilities*
Included to specify requirements for characters on Variable Message Signs
- All other IBR standards pertain to telecommunications only.

With the exception of WCAG2, there is a fee to obtain the referenced standards, but they are available for inspection at the Access Board at the National Archives and Records Administration (NARA).

Additionally, the Access Board made sure that there were no contradictions with the European accessibility standard EN 301 549. They declined to IBR any part of it, however, as the areas that are not identical are generally less stringent.

Safe Harbor provision

Federal agencies will not need to replace ICT that is currently in compliance with the old 508. They will only need to update to the new standards on an element-by-element basis when substantive changes are made. For instance, a new or edited paragraph would have to be in compliance, but the rest of the page can stay the same. "Substantive" will be defined when they are incorporated into the Federal Acquisition Regulations (FAR). This sounds very generous, but in reality, only a small percentage of federal websites (for instance) are actually in complete compliance.

They have a full year to switch to the new standards, which gives time for them to be incorporated into the FAR as well as for remediation.

The original 508 requirements have been moved to Appendix D of part 1194; they are being retained because of the Safe Harbor provision.

New Functional Performance Criteria

A category has been added to the Functional Performance Criteria for "limited language, cognitive, and learning abilities."

Not changed

Functional Performance Criteria (FPC)

FPC work the same way as before: they are used when ICT does not meet all the technical requirements, or when the technical requirements cannot be applied, as may happen with a new technology. Reporting on FPC is used to determine if the product meets the requirements for "Equivalent Facilitation" (Appendix A, 508 Chapter 1, E101.2).

Real Time Text

The Access Board was considering replacing TTY requirements with a requirement for Real Time Text (RTT) support. However, the industry and standards were still in flux, so it was not included. This has been [picked up by the FCC](#).

Covered content

The new rules explicitly define what content and services are included. (Those who interpreted the original 508 otherwise will view it as a change.) It includes anything public-facing, and eight categories of official agency communications listed in Appendix A, 508 Chapter 2, E205.

Structure of new 508

- The first few pages describe the numbering changes made to 36 CFR chapter XI.
- Existing sections of 1194, defining the original 508 regulations, have been moved to Appendix D
- 1194.1 is now "Standards for Section 508 of the Rehabilitation Act."
- 1194.2 is now "Guidelines for Section 255 of the Communications Act."
- 1194.1 and 1194.2 then reference material in the four appendices to Part 1194:
 - Appendix A has the Section 508 Application and Scoping requirements, Chapters 1 and 2
 - Appendix B has the Section 255 Application and Scoping requirements, Chapters 1 and 2
 - Appendix C has the Functional Performance Criteria and technical requirements, used by both 508 and 255.
 - Appendix D has the requirements of the original 508.

So, for Section 508, you would need Appendices A, C, and D, and for Section 255, you would need Appendices B and C.

Further reading

[Policy Brief: Summary of the Access Board's Final Rule Revising the ICT Standards in Section 508 of the Rehabilitation Act and the Telecommunications Guidelines in Section 255 of the Communications Act](#)

Detailed review of the 2017 US federal regulations for information and communication technology (ICT) accessibility, with an emphasis on new or changed elements. Prepared by the Partnership on Employment & Accessible Technology (PEAT), which is funded by the U.S. Department of Labor's Office of Disability Employment Policy.

[Section 508 \(ICT Refresh\) vs. EN 301 549](#)

Section-by-section comparison of the 2017 US federal accessibility regulations in Section 508 with the European Standard EN 301 549. Prepared by Microsoft.

[Standard - EN-301-549 Accessibility requirements suitable for public procurement of ICT products and services in Europe](#)

Functional accessibility requirements applicable to ICT products and services, together with a description of the test procedures and evaluation methodology for each accessibility requirement in a form that is suitable for use in public procurement within Europe, in support of Mandate 376. Incorporates WCAG2.