

Assembly Joint Resolution No. 43

RESOLUTION CHAPTER 165

Assembly Joint Resolution No. 43—Relative to television audio loudness.

[Filed with Secretary of State September 14, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 43, Hill. Television: audio loudness.

This measure would urge the Congress and President of the United States to enact legislation to establish a standard that broadcasters and others can use to minimize the “audio loudness differential” in television.

WHEREAS, Every year, television networks receive thousands of complaints from viewers bothered by commercials that seem to be getting louder and louder; and

WHEREAS, A television program has a mix of audio levels. There are loud and soft parts to build the dramatic effect and the peak levels of commercials are no higher than the peak levels of program content; and

WHEREAS, To grab the consumer’s attention, many advertisements use the highest decibel level of a television show as the baseline for a commercial’s average loudness, just enough to remain within legal limits. Thus, the entire commercial is loud, including the voices, the music, and the sound effects; and

WHEREAS, In addition to making their commercials as loud as the Federal Communications Commission (FCC) legally allows them, marketers also use current technology to make commercials sound even louder than they are, like packing more sound energy into the midrange frequencies that the human ear is most sensitive to; and

WHEREAS, “Dynamic range compression,” is a tool used by sound engineers that amplifies the softest sounds. This decreases the difference in volume between the biggest and smallest waves. Compressed sound bombards the ear with more energy over a given period of time with an audio signal that sounds flatter but louder; and

WHEREAS, The problem is exacerbated by the mandated switch to digital television, because it produces a greater range of sound than analog television; and

WHEREAS, The FCC has been aware of excessively loud commercial advertisements on television and radio since at least 1954; and

WHEREAS, The FCC has chosen to not regulate the volume of television commercials. However, broadcasters are required to have equipment that limits the peak power they can use to send out their audio and video signals. This means that the loudest television commercial should never be any louder than the loudest part of any television program; and

WHEREAS, Other countries, including Australia, Brazil, France, Israel, Russia, and the United Kingdom, have passed legislation or instituted regulations concerning the volume of commercials; and

WHEREAS, Television broadcasters and multichannel video programming distributors in the United States are aware of the problem, and an industry standards-setting body, the Advanced Television Systems Committee (ATSC), has developed the technical standards necessary to control variations in commercial loudness. ATSC's membership approved the ATSC Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television on November 4, 2009; and

WHEREAS, In an effort to address this concern and have the industry adopt standards that would decrease loudness, H.R. 1084, introduced by California Representative Anna Eshoo, passed out of the House of Representatives on December 15, 2009; and

WHEREAS, H.R. 1084, the Commercial Advertisement Loudness Mitigation Act, directs the FCC to prescribe a regulation prohibiting advertisements accompanying video programming from: (1) being excessively noisy or strident; (2) having modulation levels substantially higher than the accompanying program; and (3) having an average maximum loudness substantially higher than that of the accompanying program; and

WHEREAS, H.R. 1084 requires the FCC to adopt those recommendations as regulations within a year of it being adopted; and

WHEREAS, A similar measure, S. 2847, has been introduced by Rhode Island Senator Sheldon Whitehouse; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges the Congress and the President of the United States to enact legislation to establish a standard that broadcasters and others can use to minimize the "audio loudness differential" in television that is bothersome to many people; and be it further

Resolved, That Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.