

**Before the  
National Telecommunications and Information Administration  
Washington, D.C. 20230**

**In the Matter of the Initiative to Protect  
Youth Mental Health, Safety & Privacy  
Online**

**Docket No. NTIA–2023–0008**

**COMMENTS OF THE STREAMING INNOVATION ALLIANCE**

**I. INTRODUCTION AND SUMMARY.**

The Streaming Innovation Alliance (“SIA”) respectfully submits these comments in response to the National Telecommunications and Information Administration’s (“NTIA”) *Request for Comment* (“RFC”) in the above-captioned matter.<sup>1</sup> The SIA is the united voice of the streaming community – driving a new era of creativity, opportunity, diversity, value, and choice in home and mobile entertainment. SIA advocates for smart policies that will continue to meet audiences where they are and propel streaming innovation forward.<sup>2</sup> Our members include small and large streaming providers<sup>3</sup> that serve a wide array of consumers—from general entertainment to culturally specific films and shows—and create new pathways for all creators to find their audiences. The SIA’s members provide video streaming services that overwhelmingly include only professionally produced and pre-selected content that is not user generated content (“UGC”). Our services incorporate well-understood content rating systems, do not facilitate user-to-user interaction, and do not include file-sharing functionality. In short, our members’ services are meaningfully different—in both content and practice—than many other online platforms and services that are the focus of this inquiry.

The SIA applauds the NTIA for collecting information to inform the efforts of the federal Task Force on Kids Online Health & Safety (“Task Force”).<sup>4</sup> We share the Task Force’s goal of preventing and mitigating online harms to the privacy, health, and safety of minors, but we urge precision when considering new laws or regulations designed to mitigate social media enabled harms.<sup>5</sup> To that end, and to help inform the Task Force’s efforts, below, we share consumer and

---

<sup>1</sup> National Telecommunications and Information Administration, *Request for Comment: Initiative To Protect Youth Mental Health, Safety & Privacy Online*, 88 Fed. Reg. 67733 (Oct. 2, 2023), <https://www.regulations.gov/document/NTIA-2023-0008-0001> (“Request for Comment” or “RFC”).

<sup>2</sup> Streaming Innovation Alliance Website, <https://www.streaminginnovationalliance.com/>.

<sup>3</sup> AfroLandTV, America Nu Network, BET+, discovery+, For Us By Us Network, Max, the Motion Picture Association, MotorTrend+, Netflix, Paramount+, Peacock, PlutoTV, Telemundo, Televisa Univision, VAULT, Vix, and The Walt Disney Company.

<sup>4</sup> *The White House Fact Sheet: Biden-Harris Administration Announces Actions to Protect Youth Mental Health and Safety Online* (May 23, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/>.

<sup>5</sup> SIA is sensitive to the Task Force’s concerns regarding the “harms or risks of harm” that online platforms might “facilitate with respect to, or impose upon, minors,” but does not endorse any specific rules or laws to address harms associated with minors’ usage of any digital platform.

empirical research examining the relative trust and safety enjoyed by users of video streaming services compared to social media and other online platforms. We discuss the characteristics of video streaming services, like those operated by SIA members, that shield users, including minors, from the harm understandably motivating policymaker scrutiny. Recent research concludes that the rising negative mental health outcomes suffered by minors in the last decade are not attributable to video streaming services<sup>6</sup> – a conclusion further validated by SIA’s own consumer research, which found that only 11 percent of voters identified “harms mental health” as a concern with video streaming services, whereas 75 percent of voters identified it as a concern for social media services.<sup>7</sup> While the Task Force works to create stakeholder guidance and policy recommendations, it should consider this information evidencing the positive contributions that video streaming services make to advance minors’ wellbeing on and offline.<sup>8</sup>

## **II. THERE IS NO LINK BETWEEN VIDEO STREAMING CONTENT AND NEGATIVE MENTAL HEALTH OUTCOMES FOR MINORS.**

### **A. Empirical Evidence Has Found *No* Relationship Between Video Streaming Services and Kids’ Deteriorating Mental Health.**

As the Task Force identifies specific causes of mental health issues for minors related to their use of the Internet, it should recognize authoritative research demonstrating that no connection exists between video streaming services and negative mental health outcomes for minors.<sup>9</sup> Researchers have concluded that although empirical data has correlated social media use with negative mental health outcomes for minors, including feelings of sadness, hopelessness, and suicidal ideation,<sup>10</sup> there is no evidence that television (including online or video streaming services) is associated with these same outcomes for teens and adolescents.<sup>11</sup>

Youth safety advocates cite an array of factors that could contribute to negative mental health outcomes for some minors using social media, including platform design features that “validate or quantify social acceptance,” and “exploit minors’ need for social rewards.”<sup>12</sup> But

---

<sup>6</sup> George S. Ford, *Policy Paper No. 59, Is Social Media Legislation Too Broad? An Empirical Analysis*, Phoenix Center for Advanced Legal & Economic Public Policy Studies (2023), <https://phoenix-center.org/pcpp/PCPP59Final.pdf> (“Phoenix Center Study”).

<sup>7</sup> Streaming Innovation Alliance, *Streaming Services Survey Research* (Sept. 2023), <https://www.streaminginnovationalliance.com/survey> (“SIA Survey”).

<sup>8</sup> Among other items, the RFC seeks comment on the status of current practices and technologies employed by social media and other online platforms “for assessing, preventing, and mitigating harms,” to minors’ health, safety, and privacy.” RFC at 67738. The Task Force also welcomes any input “that stakeholders believe will prove useful to our efforts.” *Id.* at 67739.

<sup>9</sup> *See, e.g.*, Phoenix Center Study.

<sup>10</sup> Phoenix Center Study at p. 2 (citing J. Twenge, *How Much Is Social Media to Blame for Teens’ Declining Mental Health?*, IFS BLOG (April 11, 2022), <https://ifstudies.org/blog/how-much-is-social-media-to-blamefor-teens-declining-mental-health>); #StatusOfMind: *Social Media and Young People’s Mental Health and Wellbeing*, YOUNG HEALTH MOVEMENT (2017), <https://www.rsph.org.uk/static/uploaded/d125b27c-0b62-41c5-a2c0155a8887cd01.pdf>); J. Haidt and J. Twenge, *Social Media and Mental Health: A Collaborative Review*, *Unpublished Manuscript* (Ongoing), <http://tinyurl.com/SocialMediaMentalHealthReview>).

<sup>11</sup> Phoenix Center Study at pp. 4-5, 16-17.

<sup>12</sup> *See, e.g.*, Federal Trade Commission, *FairPlay, Request for Investigation of NGL Labs for violations of Section 5 of the FTC Act* (filed Oct. 19, 2023), p.4, <https://fairplayforkids.org/wp->

research makes clear those design elements are not present on video streaming services that are “professionally-curated” and do not enable user interactivity “which can lead to bullying and harassment and is allegedly contributing to the negative teen mental health outcomes.”<sup>13</sup> Although it is uncertain how social media and UGC might specifically cause negative mental health outcomes for minors, it is clear that video streaming services do not pose meaningful risks to this vulnerable group. Researchers observe that “professionally created and curated video services have been available for decades without a worsening pattern in youth mental health.”<sup>14</sup> For these reasons, regulations seeking to protect kids’ online mental health should not be applied to video streaming services.

## **B. Video Streaming Services are Trusted by Consumers.**

As video streaming services grow in viewership,<sup>15</sup> available research underscores streaming’s high favorability and trust among American voters and parents when compared to other online platforms and their features. SIA’s own research found that seven in ten Americans view streaming favorably, with those numbers even higher among younger generations and communities of color.<sup>16</sup> And voters highly value specific features of streaming services such as privacy and protection of data.<sup>17</sup> Most Americans trust streaming services with their personal data and concerns about social media or other platforms’ data practices do not apply to video streaming.<sup>18</sup>

Another study published by the International Telecommunication Union (“ITU Study”), which conducted qualitative and quantitative surveys of parents’ and minors’ attitudes on connectivity and safety, similarly concluded that parents “were very comfortable or comfortable with their children using streaming services or online games,” whereas “parents consistently highlighted concerns with user-generated uploads and user-to-user communication.”<sup>19</sup> The ITU Study also observed that parents “often perceive streaming services as ‘safe-spaces,’” which may be due to the fact that streaming content is a curated, “often paid” service that lacks “user-generated and user-to-user communications features.”<sup>20</sup>

---

[content/uploads/2023/10/NGL\\_complaint.pdf](#) (citing Eveline Crone & Elly A. Konijn, *Media Use and Brain Development During Adolescence*, 9 *Nature Comm.* 1, 4 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5821838/>; Dar Meshi, Diana I Tamir, et al., *The Emerging Neuroscience of Social Media*, 19 *Trends Cognitive Sci.* 771, 774 (2015), <https://doi.org/10.1016/j.tics.2015.09.004>).

<sup>13</sup> Phoenix Center Study at p.5

<sup>14</sup> *Id.* at p. 4.

<sup>15</sup> *See, e.g.*, Daniel Arkin, *Streaming viewership overtakes cable TV for the first time*, NBCNEWS (Aug. 18, 2022), <https://www.nbcnews.com/business/consumer/streaming-viewership-overtakes-cable-tv-first-time-rcna43704>.

<sup>16</sup> SIA Survey.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Telecommunications Management Group and the International Telecommunication Union, *Safeguarding Children Online: A Service-Specific View on Risks and Parental Attitudes* (Oct. 2023), pp. 7, 13, [https://www.itu.int/dms\\_pub/itu-s/md/23/clwgcop19/inf/S23-CLWGCOP19-INF-0002%21A1%21PDF-E.pdf](https://www.itu.int/dms_pub/itu-s/md/23/clwgcop19/inf/S23-CLWGCOP19-INF-0002%21A1%21PDF-E.pdf).

<sup>20</sup> *Id.* at p. 33.

### **III. VIDEO STREAMING SERVICES CONTAIN SAFEGUARDS FOR MINORS.**

#### **A. Video Streaming Services are Largely Human-Vetted and Contain Robust Tools to Empower Parents and Protect Minors.**

Video streaming services possess several unique internal controls that safeguard minors from viewing harmful content. Unlike UGC, which “can be posted to social media services in minutes or hours by virtually any user at any time”<sup>21</sup> and increase the likelihood that harmful content is viewed by minors, video streaming content is assiduously reviewed by an array of professionals including creatives and storytellers, production teams, executives, raters, and programmers. The human content vetting process of SIA’s members considers a wide range of issues including quality and messaging, truthfulness and safety, fundamental values, and creative expression and social context. Also, many video streaming providers offer content tailored to the needs and well-being of discrete age groups of minors and diverse youths.<sup>22</sup>

Additionally, most video streaming content is age-rated. Ratings provide parents with useful knowledge regarding what their kids are watching and ensure they have access only to age-appropriate material, a fact cited by scholarly literature.<sup>23</sup> For example, large video streaming services generally have robust parental controls and program ratings. These systems include the MPA’s Classification and Rating Administration (“CARA”),<sup>24</sup> the TV Parental Guidelines,<sup>25</sup> and the TV Parental Guidelines Monitoring Board ratings guidance for streaming services.<sup>26</sup> These ratings institutions are highly valued by parents and families. CARA recently released data showing that 91 percent of American parents find film ratings help make better movie viewing choices.<sup>27</sup> And the TV Parental Guidelines – widely used by streaming services – enjoy similar approval ratings. A 2022 survey “revealed that 90 percent of American parents found the TV ratings system helped them determine whether to allow their children to watch a particular show and nearly all parents (95 percent) expressed satisfaction with the accuracy of the

---

<sup>21</sup> Phoenix Center Study at p.5.

<sup>22</sup> See, e.g., Kourtnee Jackson, *Best Streaming Services for Kids*, CNET (Sept. 14, 2023), <https://www.cnet.com/tech/services-and-software/best-streaming-services-for-kids/>; Andrea Jordan, *The best streaming services for kids that won’t make you cringe*, ENTERTAINMENT WEEKLY (June 8, 2020), <https://ew.com/streaming/best-streaming-services-for-kids/>; *Black Stories for Families*, Netflix, <https://www.netflix.com/browse/genre/81307031>; *Best Movies and TV Shows Now Streaming for Kids*, Common Sense Media, <https://www.commonsensemedia.org/best-of-lists>; *20+ Best Streaming Services for Children*, The Streamable, <https://thestreamable.com/video-streaming/best-streaming-service-for-kids>.

<sup>23</sup> See, e.g., Douglas Gentile, *Are Motion Picture Ratings Reliable and Valid*, *Journal of Adolescent Health* 47 (2010) 423–424, [https://www.jahonline.org/article/S1054-139X\(10\)00422-2/pdf#:~:text=However%2C%20despite%20these%20potential%20harms,aspects%20%5B8%E2%80%9310%5D](https://www.jahonline.org/article/S1054-139X(10)00422-2/pdf#:~:text=However%2C%20despite%20these%20potential%20harms,aspects%20%5B8%E2%80%9310%5D) (“When parents use ratings to help monitor or set limits on what their children watch, it acts as a protective factor—reducing the harm of violent content and enhancing the educational aspects ... rating systems do play an important role in providing information regarding media products so that parents can make informed decisions about which are appropriate for their children”).

<sup>24</sup> Motion Picture Association, Classification and Rating Administration, <https://www.filmratings.com/>.

<sup>25</sup> TV Parental Guidelines, <http://www.tvguidelines.org/>.

<sup>26</sup> TV Parental Guidelines Monitoring Board, *Ratings Best Practices for Streaming Services*, [http://www.tvguidelines.org/resources/RatingsBestPracticesGuidanceForStreamingServices\\_2021.pdf](http://www.tvguidelines.org/resources/RatingsBestPracticesGuidanceForStreamingServices_2021.pdf).

<sup>27</sup> Motion Picture Association, *91% of Parents Find Film Ratings Help Make Better Movie Choices* (April 25, 2023), <https://www.motionpictures.org/press/91-of-american-parents-find-film-ratings-help-make-better-movie-choices-new-survey-shows/>.

TV ratings system for TV shows overall.”<sup>28</sup> Collectively, they provide crucial information to parents and their children that is not available for UGC.

#### **IV. RECENT GOVERNMENTAL ACTIONS RIGHTFULLY EXCLUDE CERTAIN VIDEO STREAMING SERVICES.**

We encourage the NTIA and the Task Force to recognize recent and ongoing state and federal online safety laws and legislation that rightfully exclude or provide a safe harbor for certain video streaming services.<sup>29</sup> Lawmakers consistently recognize that the video streaming services offered by SIA’s members are not the source of harm to minors they seek to address.<sup>30</sup> Legislative provisions that exclude or provide safe harbors for video streaming services are instructive for the Task Force because they are based on the absence of two key attributes: UGC and interactive communication functionality. Simply put, video streaming services that do not rely on UGC, and do not facilitate user-to-user contact, are rightly removed from the scope of legislation aimed at protecting children from identified harms. The SIA’s members’ video streaming services do not facilitate or disseminate cyberbullying, child sexual abuse material, dangerous “viral challenges,” illicit substances, or financial fraud. Therefore, our services should continue to be excluded from policy proposals intended to address identified online harm.

Researchers underscore that excluding video streaming services from legislative and regulatory proposals aiming to curb online harms to teens and adolescents is sound public policy, as there is “no reason for legislation to include television (or streaming video services) in the list of covered services and doing so may do more harm than good.”<sup>31</sup> They also maintain that “legislative efforts to address the teen mental health crisis should be data driven and focus exclusively on problem areas rather than cast a wide net that catches services unrelated to—and even favorable to—youth mental health,”<sup>32</sup> and that unnecessary governmental intervention can skew marketplace competition and impose compliance costs “that may distort markets and undermine smaller and less well funded competitors,” including “independent, less commercial,

---

<sup>28</sup> Press Release, *New Survey: Parents’ Satisfaction with the TV Parental Guidelines Remains Overwhelmingly High*, TV Parental Guidelines (Oct. 12, 2022), [http://www.tvguidelines.org/resources/Release\\_101222.pdf](http://www.tvguidelines.org/resources/Release_101222.pdf).

<sup>29</sup> See U.S. Senate, S. 1409, *Kids Online Safety Act*, Blackburn Substitute (Jul. 27, 2023), <https://www.commerce.senate.gov/services/files/639B8F0E-20D8-484A-8F58-3D226F864A41>; See also Tex. Bus. & Com. Code § 120.001(2021) (the statute applies to social media platforms and that term does not include “an online service, application, or website: (i) that consists primarily of news, sports, entertainment, or information or content that is not user generated but it preselected by the provider; and (ii) for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content”); *Utah Social Media Regulation Act*, Utah Code Ann. § 13-63-101 (2023) (the statute does not apply to “news, sports, entertainment, or other content that is preselected by the provider and not user generated, and any chat, comment, or interactive functionality that is provided incidental to, directly related to, or dependent upon provision of the content”); *Arkansas Regulation of Social Media Act*, A.C.A. § 4-88-1401 (2023) (the statute applies to social media platforms and that term does not include “news, sports, entertainment, or other content that is preselected by the provider and not user generated, including without limitation if any chat, comment, or interactive functionality that is provided is incidental to, directly related to, or dependent upon provision of the content”).

<sup>30</sup> *Id.*

<sup>31</sup> Phoenix Center Study at p.16.

<sup>32</sup> Press Release, *New Phoenix Center Study Finds No Evidence That Streaming Video Services Contribute to Youth Mental Health Crisis*, Phoenix Center for Advanced Legal and Economic Public Policy Studies (Jul. 10, 2023), <https://www.phoenix-center.org/pcpp/PCPP59PressReleaseFinal.pdf>.

and diverse streaming services serving smaller and non-mainstream audiences.”<sup>33</sup> Public policy experts further note that regulatory intervention might spur some companies to “block access to streaming video programming to ensure compliance,” which “could ultimately steer more younger viewers to the very social media platforms policymakers are trying to” rein in.<sup>34</sup>

SIA agrees. Mandating or recommending that companies implement uniform, one-size-fits-all measures to support youth online health and safety could harm minors and parents alike. Indeed, SIA believes that implicating video streaming services in policy guidance and governmental proposals to address issues they do not cause is unreasonable and inequitable. Furthermore, imposing overly broad or misplaced regulations on video streaming services could stifle creativity, innovation, and diverse voices in the video streaming industry and reduce the benefits that video streaming providers confer to American parents like helping to filter out harmful content to promote positive mental health outcomes for their children. Furthermore, small, independent, and less commercial streaming options are especially at risk from counterproductive over-regulation, and the market could lose valuable, diverse, and educational options if new regulations impose costs and burdens these services cannot manage or absorb.

\*\*\*

The SIA appreciates the opportunity to comment on this important matter. We stand ready to assist the Task Force as it further considers this issue and develops guidance and best practices that support minors’ health. Please do not hesitate to contact SIA with any questions or requests for additional information.

November 16, 2023

**Streaming Innovation Alliance**

Respectfully Submitted,

/s/ Ken Mallory

Kenneth “Ken” Mallory, Esq.

Counsel to the Streaming Innovation Alliance

Motion Picture Association, Inc.

Vice President, Media Policy and Regulatory Counsel

M: 202-699-0631

[kenneth\\_mallory@motionpictures.org](mailto:kenneth_mallory@motionpictures.org)

---

<sup>33</sup> Phoenix Center Study at p. 17.

<sup>34</sup> *Id.*