



November 16, 2023

Ruth Yodaiken  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, D.C. 20230

*VIA ONLINE SUBMISSION*

RE: Comments of Engine Advocacy in response to Request for Comment on Kids Online Health and Safety, Docket no. NTIA-2023-0008-0001

Ms. Yodaiken:

Engine is a non-profit technology policy, research, and advocacy organization that bridges the gap between policymakers and startups. Engine works with government and a community of thousands of high-technology, growth-oriented startups across the nation to support the development of technology entrepreneurship. Startups are at the fore of providing innovative services to connect people and build communities online, especially for those that are not adequately served by current market offerings—which can include youth. Accordingly, Engine appreciates the opportunity to submit these comments as the National Telecommunications and Information Administration solicits information regarding the intersection of youth and online services.

**I. Startups provide new and different corners of the Internet important to small, widely distributed, and/or marginalized communities, which can include young people (addresses questions 2, 3, 3a)**

The Internet allows users with shared interests, similar experiences, and aligned needs from anywhere in the world to find each other and build communities. Many startup founders, often looking to serve some gap not currently being met in the market, seize on that promise of the Internet to create online spaces for communities that are small, niche, and/or geographically dispersed. These spaces can be especially critical to members of communities that aren't always easy to find or well supported in the offline world. Take, for instance, the role the Internet can play for young members of the LGBTQ+ community, as noted by The New York Times:<sup>1</sup>

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<sup>1</sup> Claire Cain Miller, *For One Group of Teenagers, Social Media Seems a Clear Net Benefit*, N.Y. Times (May 24, 2023), <https://www.nytimes.com/2023/05/24/upshot/social-media-lgbtq-benefits.html>.

“For one group in particular—the growing share of young people who identify as lesbian, gay, bisexual, transgender and queer—social media can be a lifeline, researchers and teenagers say. Especially for those growing up in unwelcoming families or communities, social media often provides a sense of identity and belonging at a crucial age, much earlier than for many L.G.B.T.Q. people in previous generations. . . . L.G.B.T.Q. youth go online to find friends and seek emotional support, and to search for information about their identities and health. During pandemic lockdowns, when some were home with families who did not support them, online communities provided them with acceptance.”

And while the New York Times notes the role of sub-communities that center around LGBTQ+ issues within larger Internet platforms like TikTok, Tumblr, Discord, and YouTube, the article also calls out smaller, more specific LGBTQ+ platforms Q Chat Space and TrevorSpace, both of which provide online convening spaces specifically for LGBTQ youth.<sup>2</sup>

Further study into the impact the Internet can have on connecting members of other communities is necessary, but Engine has heard anecdotally from founders who launched startups to fill that need for members of their own communities. Brandon Winfield—founder and CEO of Atlanta, Georgia-based iAccess Innovations—founded his startup after a motocross racing accident left him reliant on a wheelchair and he wanted more information about the public spaces he could safely access.<sup>3</sup> “I started to realize that there was a lack of accessibility from place to place. Whether it was the parking, the entrance, or, most importantly, the bathroom, places that are inaccessible are a big issue for somebody in a wheelchair,” he told us. His company runs a platform “for our community, by our community,” that “allows people to rate, review, and research how accessible places are—from the parking to the bathroom, the entrance, and the interior spaces.” iAccess Innovations is able to provide a specific place for a specific community to gather online and share critical information that would be more difficult to find on existing general audience review platforms.

## **II. Startups already have to be responsive to users, and practices are tailored to specific communities and kinds of content (addresses questions 13b, 20c, 22)**

Contrary to a prevailing narrative that Internet companies operate without concern for their users’ wellbeing, the startups that Engine routinely engages with see not just the value but the need for investing their time and resources in user safety and content moderation practices that make the most sense for the products and services they offer and the communities of users they serve. As we explained in our examination of content moderation efforts and costs among startups, “Startups monitor and moderate content on their sites because they recognize the potential for problematic content to appear that might contradict their values, undermine the trust of their other users, or

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<sup>2</sup> *Id.*

<sup>3</sup> #StartupsEverywhere Profile: Brandon Winfield, Founder and CEO, iAccess Innovations, Engine (Apr. 29, 2022), <https://www.engine.is/news/startupseverywhere-atlanta-ga-iaccesslife>

threaten their ability to grow.”<sup>4</sup> The responses from our survey “reveal that it is critical for startups to have the ability to moderate content on their services as they see fit according to their specific size and need.”

But the needs of different communities of users will necessarily vary across online spaces, as will what might be considered harmful to young users’ mental health—and what appropriate mitigation of that harm might look like. In some communities and contexts, it would be irrelevant and inappropriate for users to share content about, for instance, eating disorders; Internet companies looking to keep their corners of the Internet safe and relevant places would be best serving their users by moderating—i.e. demoting, removing, or providing an interstitial warning about—that kind of content. But in another community and context, users being able to share content about their experiences with eating disorders could be lifesaving, and an Internet platform looking to provide space for those users to connect and share might do more harm than good if it attempts to over-moderate that content.<sup>5</sup>

The exact same user content might be out of place and harmful in one context and helpful in another. Accordingly, a one-size-fits-all policy solution for the entire Internet to address youth mental health issues stemming from user-generated content will not be equally effective or apply equally to all online spaces and the organizations that run them, on top of the fact that compliance burdens will fall disproportionately on startups, as discussed below.

### **III. Straining startups capacity through age verification or out-of-context content moderation will harm startups and the communities they seek to serve (addresses question 10c)**

Despite the fact that they can provide these critical places for communities to gather online, startups with limited time and resources are least equipped to take on the extra costs associated with age verification and content moderation requirements. The average seed-stage startup—already a fraction of the startup ecosystem that has attracted outside investment—has about \$55,000 per

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<sup>4</sup> *Startups, Content Moderation, & Section 230*, Engine (December 2021), <https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/61b26e51cdb21375a31d312f/1639083602320/Startups%2C+Content+Moderation%2C+and+Section+230+2021.pdf>.

<sup>5</sup> See Dawn Branley & Judith Covey, *Pro-ana versus Pro-recovery: A Content Analytic Comparison of Social Media Users' Communication about Eating Disorders on Twitter and Tumblr*, *Front Psychol.* 8:1356 (Aug. 11, 2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5554530/>. (“[G]eneric [interstitial warning] messages appear regardless of the type of ED content actually being returned by the search and users have to bypass this message even if searching for positive content (e.g., seeking information regarding recovery). This could render the warning meaningless. Censorship of ED content could also backfire; social media use has been linked to mental health wellness through contribution to perceived social support and not all online communities encourage ‘pro’ attitudes toward ED. Many feature information on recovery and some communities are supportive of users who decide to seek treatment. Therefore it is possible that social media provides a platform through which users can find help and guidance – this is particularly important as ED sufferers rarely seek professional help.”)

month to cover all of its expenses, including salaries, research, customer acquisition, etc.<sup>6</sup> The costs of the wide range of age verification and content moderation technologies are not well documented, but some estimates put, for example, age verification costs at \$0.30 per user plus “inestimable ... up-front and ongoing costs or fees”<sup>7</sup> to \$1.50 per user.<sup>8</sup>

Startups facing additional costs will have to make tradeoffs, which could make their products and services less useful to the communities they’re looking to serve. As Brandon Winfield, founder of iAccess Innovations, explained:<sup>9</sup>

“We want companies to be paying attention to accessibility, and if we had to constantly focus on moderating content, it would stop us from growing and getting the traction that we need for big organizations of the world to take notice of us. ... As a startup, you are grinding for every dollar. I built something that is supposed to be altruistic and help people to know where to go and where not to go. It takes a lot of time and effort to raise money. And when that funding comes through the door we want to focus it on creating value for our customers and find new ways to bring in revenue.”

#### **IV. Content moderation and age verification technologies are imperfect and carry risks for expression and privacy (addresses questions 1h, 6, 6a, 6b, 9, 10, 10a, 10b)**

Content moderation and age verification technologies often overstate their capabilities and understate their risks, so while they can be useful when companies choose to use them, policymakers shouldn’t assume that they’re accessible, easy to integrate, or perfectly effective. These tradeoffs are particularly salient for startups, who need to do right by their users to build trust, don’t want to collect data they don’t need, and have little time or resources to devote to building or integrating additional, ultimately imperfect technologies.<sup>10</sup>

Content moderation technologies can be useful and are employed to varying degrees by startups, according to their needs.<sup>11</sup> Often, such technologies are supplemental or additive to human moderation (which might only be one part of one person’s job at a small startup) and are designed to facilitate moderation, not proactively scan, block, or remove content automatically. Automated

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<sup>6</sup> *The State of the Startup Ecosystem*, Engine (April 2021)

<https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/60819983b7f8be1a2a99972d/1619106194054/The+State+of+the+Startup+Ecosystem.pdf>

<sup>7</sup> Utah Social Media Regulation Act Rule, 20 Utah Bull. 16 (proposed October 15, 2023) (to be codified as Title 13, Chapter 63, Utah Social Media Regulation Act),

<https://socialmedia.utah.gov/wp-content/uploads/2023/10/Social-Media-Regulation-Act-Proposed-Rule.pdf>

<sup>8</sup> Makenna Kelly, *Child safety bills are reshaping the internet for everyone*, The Verge (Aug. 29, 2023),

<https://www.theverge.com/2023/8/29/23849375/kosa-child-safety-free-speech-louisiana-utah-parental-consent>.

(“[O]nly a quarter of people trying to access Ford’s site even clicked the link to verify their age and only 9 percent of those users completed the process. Ford said it costs his company around \$1.50 per person to verify their age, and there’s no promise that those who follow through will buy anything.”)

<sup>9</sup> Engine, *supra* note 3.

<sup>10</sup> E.g., *Supra* § II, § III.

<sup>11</sup> Engine, *supra* note 4.

content moderation systems are imperfect—both blocking content that should not be blocked and not acting on content that is violative—and prohibitively expensive for startups. As a result, such technologies can impact both expression online and competitiveness of small enterprises.

Age verification technologies carry risks and tradeoffs for both users and startups, which vary depending on methodology. The most straightforward method, user-self reporting, is clear for startups, but can be thwarted by individuals that choose to lie about their age. Requiring a user to submit documentation to prove their age shores up certainty but poses privacy concerns, cybersecurity risks, and impinges expression by eliminating constitutionally-protected anonymous or pseudonymous speech. If a parent or other is made to vouch for a user's age, these risks still apply, but add risks of limiting, e.g., a young user's access to information a parent may not want their child to see, but which the user may find helpful, e.g., around gender identity.<sup>12</sup> Collecting and analyzing data (including perhaps, but not necessarily, through facial recognition) to infer a user's age poses privacy and cybersecurity risks—and like requiring documentation, means startups must collect additional data they do not need or want to be responsible for. There are firms that offer age verification services, but they too are imperfect, are expensive and must be integrated into the startup's technology, which consumes time and resources.

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Engine appreciates the agency's attention to youth mental health issues online, and we appreciate the chance to provide comment. The needs and perspectives of the nation's startups and technology entrepreneurs should be considered in these conversations, and we are always available to be a resource as the agency continues to develop policy in this space.

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<sup>12</sup> E.g., *Supra* § I.