

Date of Hearing: June 24, 2025

Fiscal: No

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

SB 576 (Umberg) – As Amended May 8, 2025

SENATE VOTE: 38-0

SUBJECT: Video streaming services: commercial advertisements

SYNOPSIS

The loudness of television commercials has long been a source of frustration for viewers. In 2010, Congress responded by passing the Commercial Advertisement Loudness Mitigation (CALM) Act, which authorized the Federal Communications Commission (FCC) to issue rules ensuring that the average volume of commercials does not exceed that of the programming they accompany.

However, these regulations were enacted before streaming platforms emerged as a dominant force in the media landscape. In their early days, streaming services offered few, if any, commercials—one of the features that drove their rapid popularity. Today, however, tiered subscription models have led to an increased presence of advertisements on streaming platforms. Because the CALM Act does not currently apply to streaming services, consumer complaints about excessively loud commercials in this space have been rising.

This author-sponsored bill would close the loophole that exempts streaming services from compliance with the CALM Act. It would require video streaming services that deliver programming or content to consumers to adhere to the same audio regulations established under the CALM Act. Specifically, the bill prohibits streaming platforms from transmitting commercial advertisements at a volume louder than the accompanying video content.

The bill is opposed by the Motion Picture Association and the Streaming Innovation Alliance, which argues that the proposed requirements are not practical for the streaming environment and that many streaming services already take steps to normalize commercial loudness.

THIS BILL:

- 1) Prohibits a video streaming service that serves California consumers from transmitting the audio of commercial advertisements louder than the video content the advertisements accompany, consistent with the regulations adopted by the Federal Communications Commission pursuant to the Commercial Advertisement Loudness Mitigation (CALM) Act (Public Law 111-311) for television broadcast stations, cable operators, and other multichannel video programming distributors.
- 2) Defines “video programming” as having the same meaning as the term is defined in Section 613(h) of Title 47 of the United States Code, which is programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media.

Defines “video streaming service” as an entity that makes video programming or video content the entity makes available for users to view. Specifies that “video streaming service” does not include a television broadcast station, cable operator, or other multichannel video programming distributor, or an entity that serves video programming or video content without commercial advertisements.

EXISTING LAW:

- 1) Establishes, under federal law, standards for the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor by requiring the FCC to establish a regulation for establishing and maintaining audio loudness for digital television. (47 U.S.C. § 621.)

COMMENTS:

- 1) **Author’s statement.** According to the author:

The way we consume entertainment has evolved dramatically, with video streaming services now dominating the industry. However, consumer protections have not kept pace with this shift. While the federal Commercial Advertisement Loudness Mitigation (CALM) Act ensures that television and cable advertisements maintain a consistent volume, these regulations do not extend to streaming platforms. As a result, consumers are increasingly subjected to loud, disruptive commercial advertisements with no regulatory safeguards.

SB 576 addresses this gap by applying similar volume control requirements to video streaming services that serve California consumers. By ensuring that commercial advertisements do not play at a volume higher than the primary video content, this bill enhances the viewing experience and protects individuals with hearing sensitivities—including seniors, children, and those with auditory processing disorders—from sudden and jarring noise spikes.

California has long been a leader in consumer protection, and SB 576 continues that tradition by ensuring fair and reasonable advertising practices in the modern digital landscape. This bill is a simple yet meaningful step toward improving audio standards, reducing auditory discomfort, and giving consumers more control over their streaming experience.

- 2) **Turn it up to 11?** Ever since the advent of television, commercials have often aired at noticeably higher volumes than the programs they accompany. For many years, the challenge in addressing this issue was technological as there was no reliable way to measure loudness or apply that measurement to regulate commercial volume. However, as television transitioned into the digital era, the problem of commercial loudness became even more pronounced. With digital TV, audio could be transmitted more crisply and clearly, making the volume discrepancies between programming and advertisements more jarring to viewers.

This issue came to a head in 2010, when the FCC received over 130,000 complaints, the vast majority of which concerned the excessively loud sound of commercials.¹ In response, former Representative Anna Eshoo (D-CA) introduced the CALM Act. The bill passed with overwhelming bipartisan support.

The CALM Act required the FCC to adopt regulations based on the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television.” These rules mandate that broadcasters use metadata-based techniques, to regulate the loudness of commercials.² Rather than setting a strict maximum volume, the FCC’s regulations require that the average loudness of commercials match that of the accompanying program. This means a commercial can still include spikes in volume, as long as its overall loudness remains consistent with the programming.

Despite these regulations, FCC enforcement remains limited. Investigations are typically initiated only after formal complaints are filed by viewers.

3) Islands in the Streaming. When the CALM Act was signed into law in 2010, Netflix had just over 18 million subscribers,³ many of whom still relied on DVD delivery rather than streaming. Hulu had only just launched its Hulu Plus subscription service that June,⁴ and YouTube, now a dominant video platform, reached just 200 million users globally.⁵ Given the nascency of video streaming at the time, the CALM Act did not apply to streaming services.

Today, however, 83% of American households use at least one streaming service. At the same time, the era of universally ad-free streaming has been fading.⁶ Many platforms have introduced tiered subscription models that require consumers to pay a premium to avoid commercials, bringing ad-supported viewing, and the loudness of those ads, back into focus for millions of users.⁷

In 2023, Representative Eshoo and Senator Sheldon Whitehouse (D-RI) introduced legislation, H.R. 2422 and S. 1127, to modernize the CALM Act by extending its reach to streaming

¹ Daniel Michaels And Elizabeth Williamson, “Well, Hush My Mouth: Congress Is Moving Against LOUD Ads”, *The Wall Street Journal* (Dec. 1, 2010), https://www.wsj.com/articles/SB10001424052748704008704575638850947058366?gaa_at=eafs&gaa_n=ASWzDAgl8W7yTlc11ZzH4TfapCn8qlTzaeAN67pzNE1KJ0r2_plXATloaVVOA2v9QUw%3D&gaa_ts=6852376b&gaa_sig=yEOTKatZskkVEIOcXibyg5u9OrtKdYxwdqypPNiPWMT-Lo9XPz_tzkyZuQUSWp68gWC9LWC1Yuw5tEGRE-mO_A%3D%3D.

² The recommendations can be found at <https://www.atsc.org/atsc-documents/a85-techniques-for-establishing-and-maintaining-audio-loudness-for-digital-television/>.

³ Brian Dean, “Netflix User & Growth Stats: How Many People Subscribe?”, *Backlinko* (Apr. 8, 2024), <https://backlinko.com/netflix-users>.

⁴ Brian Stelter, “Hulu Unveils Subscription Service For \$9.99 a Month”, *The New York Times* (June 29, 2010), <https://archive.nytimes.com/mediadecoder.blogs.nytimes.com/2010/06/29/hulu-unveils-subscription-service-for-9-99-a-month/>.

⁵ Mansoor Iqbal, “YouTube Revenue and Usage Statistics (2025)” *Business of Apps* (Feb. 26, 2025), <https://www.businessofapps.com/data/youtube-statistics/>. For reference YouTube now has over 2.7 billion users.

⁶ Fabio Duarte, “Video Streaming Services Stats (2025)”, *Exploding Topics* (Apr. 25, 2025), <https://explodingtopics.com/blog/video-streaming-stats#popular-media-for-video-streaming>.

⁷ Bruce Gil, “Streaming was made to escape ads. Now they're back with a vengeance”, *Yahoo Tech* (Nov. 25, 2024), <https://tech.yahoo.com/streaming/articles/streaming-made-escape-ads-now-100000015.html>.

services.⁸ In the year leading up to this legislative effort, the FCC received thousands of complaints related to the excessive volume of streaming commercials.⁹ These bills would have authorized the FCC to regulate and enforce loudness standards for streaming platforms, as well as to conduct a study on the effects of such regulation. However, both bills were referred to their respective policy committees for a hearing but ultimately neither were heard and, ironically, they died silently.

In the absence of federal enforcement, consumers have resorted to familiar tactics to combat loud ads, such as muting their TVs during commercial breaks. Others have turned to technology: manufacturers like Sony and Roku offer sound-leveling features designed to reduce volume spikes, and in the digital space, users can download open-source browser extensions that allow for customizable control over YouTube ads.¹⁰

Ultimately, the current legal framework places the burden on consumers to adapt to the growing intrusion of excessively loud commercials on streaming platforms.

4) **What this bill would do.** This bill seeks to close the loophole that exempts streaming services from compliance with the CALM Act. It would require video streaming services that deliver programming or content to consumers to adhere to the same audio regulations established under the CALM Act. Specifically, the bill prohibits streaming platforms from transmitting audio commercial advertisements at a volume louder than the accompanying video content.

5) **Opposition Concerns.** The Motion Picture Association (MPA) and the Streaming Innovation Alliance (SIA) opposes this bill on several fronts. Their central argument is that the regulatory framework established by the CALM Act cannot be seamlessly applied to the streaming ecosystem. They state:

Streaming services do not control the means by which viewers receive their programming. Viewers have a wide variety of devices, from tablets and smart phones to televisions, and a myriad of services by which to enjoy streaming programming on their various devices, whether a Microsoft Tablet or Apple TV or Roku. Streaming services have no ability to regulate these devices, or the services that supply content to those devices, on which viewers watch their shows.

The CALM Act codified standards for the loudness of advertising on linear broadcast and cable networks which had been voluntarily established by the Advanced Television System Committee, comprised of professional and industry stakeholders. Those stakeholders

⁸ “Sen. Whitehouse, Rep. Eshoo Reintroduce Bill to Stop Excessively Loud Commercials”, *Sheldon Whitehouse* (Mar. 31, 2023), <https://www.whitehouse.senate.gov/news/release/sen-whitehouse-rep-eshoo-reintroduce-bill-to-stop-excessively-loud-commercials/>.

⁹ Kelsey Sutton, “Streaming ads are way too loud. Who’s going to fix it?”, *Marketing Brew* (July 11, 2025), <https://www.marketingbrew.com/stories/2022/07/11/streaming-ads-are-way-too-loud-who-s-going-to-fix-it>.

¹⁰ Information about Sony’s approach to information leveling can be found at <https://www.sony.com/electronics/support/articles/00032035>. Information about Roku’s approach can be found at <https://support.roku.com/en-ca/article/226802507>. Google Chrome extension for YouTube Ads can be found at <https://chromewebstore.google.com/detail/youtube-ad-volume-control/mifghdpoipeiddlccofaoffnjcmjjejp?hl=en&pli=1>.

engaged in consultations to reach consensus on voluntary standards that became a “best practices” guide for the loudness of advertisements aired on broadcast and cable networks. Eventually, those standards were codified in the CALM Act.

Those standards, however, are not practical for the streaming ecosystem, which is comprised of numerous entities and parties since ad placement in the streaming ecosystem operates differently from the linear broadcast and cable environment.

This argument largely hinges on the assumption that hardware variability and content delivery fragmentation make loudness control infeasible. However, as noted above, sound-leveling tools already exist. For instance, an open-source extension is available for Google Chrome and YouTube that allows users to normalize ad volume. This tool works across a wide range of operating systems and supports geographically targeted advertisements—many of which are inserted dynamically and not directly controlled by the platform—demonstrating that technological compliance is, in fact, feasible.

Moreover, the MPA’s opposition letter concedes that many streaming services are already taking steps to address the issue:

Many streaming services have undertaken reasonable efforts to adjust the loudness of advertisements that come from server-side ad insertion that may be inconsistent with the loudness of the programs. Streaming services have worked with other stakeholders through the Interactive Advertising Bureau (IAB) and the Audio Engineering Society (AES) to establish best practices for the “normalizing” of the loudness of advertising. See Digital Video In-Stream Ad Format Guidelines and the AES Loudness Portal and AES Recommended Practice, AES71. Many streaming services follow these best practices by publishing audio specifications to advertisers and ad networks, by requesting source coding from advertisers and by using available technology to normalize ad loudness to match program loudness.

Despite this, the MPA and SIA concludes that legislative action is unnecessary because of these voluntary efforts. However, the FCC has recently launched an investigation into a surge of complaints regarding advertisement loudness, particularly in the streaming space, even while stating it is unlikely to issue new regulations at this time.¹¹

This contradiction highlights a key point: if, as the MPA and SIA claims, the technologies and best practices already exist and are in use, it is unclear why they cannot be adopted more broadly and enforced uniformly across the industry. If the concern is that Advanced Television System Committee standards set by the FCC are not perfectly suited to streaming services, the bill’s author could consider adapting or referencing alternative standards noted by the opposition. It is recommended that the author continue conversations with opposition and other affected stakeholders to determine whether any additional changes to the bill are warranted.

ARGUMENTS IN OPPOSITION: In opposition to the bill, the Motion Picture Association and the Streaming Innovation Alliance argue:

¹¹ Michael Kan, “Are TV Commercials Too Loud? FCC to Investigate, Eyes Streaming Services”, *PC Mag* (Feb. 27, 2025), <https://www.pcmag.com/news/are-tv-commercials-too-loud-fcc-to-investigate-eyes-streaming-services>.

This bill seeks to impose a federal standard for loudness that applies to the broadcast and cable environment. That standard was developed, first as a voluntary “best practices” standard, after extensive, deliberate and well-considered consultations with numerous stakeholders, before it became law in the CALM Act, Public Law 111-311, codified at 47 U.S.C. §621 et seq. (“CALM Act”). As will be explained in this Memo, that consultation has not occurred within the streaming ecosystem. Moreover, the environment for advertising that accompanies programming on broadcast and cable linear networks is markedly different from that in the streaming environment, and the federal standards should not be unilaterally imposed on streaming services. Therefore, we must oppose SB 576.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Oppose

Motion Picture Association
Streamlining Innovation Alliance

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