February 20, 2025

Good afternoon, Chair Harrison and members of the committee,

My name is Lizzie Irwin; I am the Public Affairs Coordinator for the Center for Humane Technology, a nonprofit dedicated to ensuring that technology products are built safely and in a way that aligns with humanity's best interests. I am here today to testify in support of Bill S.69, the age-appropriate design code. The Center may be best known for its work on the Netflix documentary *The Social Dilemma*, which popularized today's understanding of the attention economy and demonstrated to the public how the incentives that govern technological development dictate the types of products – and their impacts – that we use every day.

The Social Dilemma came out in 2020, when I was still in college and when it became abundantly clear that my generation - Gen Z - was in a crisis of loneliness that was only exacerbated by the very platforms we used to stay connected with peers, teachers, and other important figures in our lives. Even when we wanted to disconnect and get offline, there was a constant phantom sense of needing to reach for our devices to check to see if we got one more notification. At the time, we couldn't explain why we felt this constant pull and suck sensation by platforms but *The Social Dilemma* helped put into words what most of us were feeling; it illuminated why people - especially young people - felt like they couldn't resist scrolling or swiping. It's because companies were intentionally designing their products to capitalize on our cognitive deficits and exploit our very human tendencies. And as later internal reports have shown, this is especially true in young users.

No matter how many "life hacks" my fellow Gen Zers or I can try on our own to mitigate our endless scrolling or resist picking up our devices because of a new ding, it is an uphill battle against companies who aggressively fund projects that capitalize on young people's attention over protecting them. These are billion-dollar companies with the capital and presence in society to operate as they please as long as it drives up revenue. And it does not have to be this way.

Last year, The Center was proud to support the age-appropriate design code here in Vermont and watch it garner massive support amongst parents, educators, faith leaders, lawmakers, and, yes, kids themselves. And I am heartened to see your committee taking up this matter again because it's clear the issue has not and will not resolve itself on its own.

Anchored by two core pillars of safety by design and privacy by default, the age-appropriate design code creates a framework for protecting young users by establishing a minimum duty of care for platform operators to design products with the end user in mind. Other industries have the same duty

when it comes to their consumers; why does it seem like the tech industry is now the only one above this standard?

Design practices outlined in this bill that support companies upholding their duty of care include:

- Prohibiting the collection, sale, share, or retention of any personal data of minors that isn't strictly necessary
- Limiting how businesses can use minors' data for content recommendations
- Prohibiting push notifications between 12:00 midnight and 6:00 a.m.
- Turning off direct messaging with adult users by default
- Disabling push notifications by default
- Providing prominent tools for account deletion

By tweaking design practices upfront, companies can make a massive difference in preventing harm upstream. I believe compelling these design changes will meaningfully impact the incentive structure of the business practices of those operating online - one where safety considerations impact their bottom line, not raw engagement metrics.

The age-appropriate design code presented to this committee is based on a model bill already in effect in the UK and Ireland. Since its passage and implementation, platforms *have* actually changed their products to reflect local directives, and it *hasn't* broken the internet. These online platforms *are* making business decisions based on the consideration of risks posed by their data and design practices. But they seem to only do so when lawmakers compel them to do so. The results are promising.

Some examples of concrete changes that are already improving kids' online experiences abroad include:

- Snapchat turns all accounts belonging to consumers under 18 to private by default;
- TikTok and Meta have implemented restrictions on direct messaging - preventing unknown adults from reaching out to kids on their platforms;
- TikTok has turned off notifications after 10 pm for 16 and 17-year-olds and after 9 pm for 13-15-year-olds
- YouTube has prohibited by default or severely resisted commenting on material posted by users under 18.
- Instagram now allows a consumer to hide comments from a specific user without that user being aware.

Kids no longer receive unsolicited outreach from strangers and are proactively protected by these limits. They can truly rest at night without the constant influx of pings going to their devices. This helps

breakdown the recursive feedback loop fighting for young people's attention and helps them develop healthier relationships with technology, where they do not feel dependent and constantly craving to pick up their device and scroll.

So, over the course of the session, *when* you hear opposition to this bill pointing fingers at anyone but themselves as being responsible for their product design, keep these tangible changes in mind. If it has been done there, then it can be done here.

Better product design *is* possible, and the onus should be on those who know their products best. That's a basic fact of consumer safety and corporate responsibility we all know to be true.

Last year, I was proud to see how far this bill progressed in Vermont, leading the way for other states, and now the sentiment around the country has shifted in favor of design-based solutions in response to one of the most pressing issues affecting my generation and those younger than me. The result of poor product design is felt deeply, and each one of you can likely relate to the impacts you see in young people as a result. Let this be the year that you choose a different, safer path. Let this be the year that you pass the age-appropriate design code in Vermont.

Thank you.

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