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Via Electronic Filing

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Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program – ET Docket No. 24-136*

Dear Ms. Dortch:

The Consumer Technology Association (CTA)¹ respectfully writes to express concern regarding the proposal to impose accreditation and FCC-recognition requirements on the labs performing conformity testing for the agency’s successful Supplier’s Declaration of Conformity (SDoC) equipment authorization process, as put forward in the above-captioned Notice of Proposed Rulemaking (*Notice*).² As developers and manufacturers of innovative consumer technologies, CTA and its members share the Commission’s goals of enhancing device security and protecting America’s technology supply chain.³ CTA supports the Commission’s efforts to ensure the integrity of the equipment authorization program, including addressing legitimate national security interests through the Commission’s Covered List, but continues to encourage the

¹ As North America’s largest technology trade association, CTA® is the tech sector. Our members are the world’s leading innovators—from startups to global brands—helping support more than 18 million American jobs. CTA owns and produces CES®—the most powerful tech event in the world.

² *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, Notice of Proposed Rulemaking, FCC 24-58, ¶ 62 (rel. May 24, 2024) (*Notice*). CTA does not comment, at this time, on the other proposals in the *Notice*.

³ For example, CTA has been a champion and the leading association working with the FCC to develop the U.S. Cyber Trust Mark. See, e.g., Press Release, CTA, *U.S. Cyber Trust Mark Hits the Mark* (Mar. 14, 2024), <https://www.cta.tech/Resources/Newsroom/Media-Releases/2024/March/U-S-Cyber-Trust-Mark-Hits-the-Mark> (quoting CTA CEO Gary Shapiro, “CTA applauds the FCC for advancing the U.S. Cyber Trust Mark, which reflects many of CTA’s key recommendations aimed at making the program successful, protecting consumers and raising the bar on product security.”).

Commission to take a measured approach to any modifications to the equipment authorization regime so that any changes meaningfully increase security while minimizing burdens on consumers and innovators.⁴ Here, CTA is concerned that the *Notice's* proposal to roll back the seven-year-old SDoC program would not materially enhance national security or value for consumers, nor does the record support such action. Instead, the *Notice's* proposal would disrupt global testing operations, delaying RF equipment approvals, stifling competition and increasing costs to consumers. In doing so, the *Notice's* proposal would slow down products to market and therefore be inflationary and anti-consumer.

The SDoC process for equipment authorization has robust protections in place. Importantly, entities identified on the Covered List are prohibited from using SDoC. Existing rules limit SDoC to low-risk devices that do not contain a radio transmitter and only contain digital circuitry. The responsible party for compliance with SDoC standards “must be located in the United States” and must retain extensive records about the test lab or individual performing testing, how the device was tested, and the results. As a result, requiring devices to go through an accredited and FCC-recognized lab for every SDoC approval would add material expense to manufacturers, cause bottlenecks with limited available labs, and shock the consumer market. Requiring accredited and FCC-recognized equipment authorization compliance testing provides no additional assurance to American consumers than other efforts already underway at the Commission, across the government and within industry.

The proposal to require the SDoC equipment conformity testing by accredited and FCC-recognized test labs also represents a major policy reversal from the existing self-approval regime, which has been successfully speeding equipment to market without creating material risks to consumers or the broader U.S. equipment and spectrum ecosystem.⁵ Although the *Notice* focuses on the security risk presented by telecommunications certification bodies and test labs affiliated with covered entities, the *Notice* does not identify a tangible risk inherent in the current SDoC self-certification procedure specifically.⁶

The Commission correctly determined in 2017 that “there is no longer a need to require accreditation of test laboratories” for devices that do not contain a radio transmitter and

⁴ See, e.g., Comments of CTA on Further Notice of Proposed Rulemaking, ET Docket Nos. 21-232 & 21-233 (filed Apr. 7, 2023) (discussing proposed changes to safeguard the equipment authorization regime while limiting burdens, uncertainty, and harmful unintended consequences).

⁵ *Notice* ¶ 13 (“Commission rules do not currently require accreditation and FCC recognition of test labs that are relied upon as part of the Supplier’s Declaration of Conformity (SDoC) process for obtaining an equipment authorization. In 2017, the Commission revised its rules to no longer require testing by accredited and FCC-recognized test labs for equipment with a reduced potential to cause harmful interference authorized in the SDoC process.”) (footnotes omitted); *id.* ¶ 62 (proposing changes).

⁶ *Id.* ¶ 62.

contain only digital circuitry.⁷ Further, the Commission found that requiring accreditation “would result in new and substantial burdens for many manufacturers.”⁸ The *Equipment Authorization Order* also included safeguards, such as requiring that parties responsible for compliance must have a U.S. presence, and this rule continues to provide “a strong incentive to ensure the continued use of demonstrably capable laboratories.”⁹

The Commission presented strong rationales in introducing the less onerous SDoC process in 2017, noting the “paucity of noncompliance over the years,” and the “significant improvements in and standardization of test standards and procedures (and the equipment used).”¹⁰ Given that “testing of equipment that falls into the self-approval category” had “become increasingly routine,” the FCC found that there was “negligible risk” in relieving devices of the burdens inherent in previous Commission processes.¹¹ No record evidence supports abandonment of these rationales by the Commission.

The Commission wisely adopted reforms that today provide both flexibility and predictability for consumers, manufacturers and suppliers.¹² Then, as now, the SDoC process only applies to equipment that has a strong record of compliance and minimal risk of interference—meaning that these devices are already “well-suited for self-approval” because they inherently present less risk.¹³ For example, standalone SDoC devices are less likely to be connected to networks because they do not have a transmitter, limiting national security attack vectors to only those that have hardwired connectivity.

CTA cautions against burdening the entire SDoC process as a means of ensuring the integrity of the equipment authorization process. As an alternative to the proposed escalation of requirements on SDoC test labs, the FCC could simply add to current record retention requirements in 2.938(b)(2) that the equipment was not tested by a lab, company, or individual owned or controlled by an entity named on the Covered List or otherwise identified by the lists

⁷ *Amendments to Parts 0, 1, 2, 15 and 18 of the Commission’s Rules regarding Authorization of Radiofrequency Equipment*, First Report and Order, 32 FCC Rcd 8746, 8749 ¶¶ 4-5 (2017) (*Equipment Authorization Order*). There are a few exceptions in the FCC’s rules that require third-party certification even for devices with digital circuitry and without a transmitter. *See, e.g.*, 47 CFR §§ 2.906 (equipment produced by entities on the Covered List), 15.101 (Table 1 to paragraph (a)).

⁸ *Equipment Authorization Order*, 32 FCC Rcd at 8752 ¶ 11.

⁹ *Id.* at 8751 ¶ 8.

¹⁰ *Id.*

¹¹ *Id.* at 8752 ¶ 11.

¹² CTA, then called the “Consumer Electronics Association,” supported these reforms. Comments of the Consumer Electronics Association, ET Docket No. 15-170, at 8-10 (filed Oct. 9, 2015); Reply Comments of the Consumer Electronics Association, ET Docket No. 15-170, at 4-5 (filed Nov. 9, 2015).

¹³ *Equipment Authorization Order*, 32 FCC Rcd at 8749 ¶ 4.

or processes determined by the outcome of this proceeding. Doing so would preclude the use of such labs for SDoC without raising the cost and complexity for all users of the process.

CTA remains a partner and resource for the Commission in the important, continuous task of ensuring the integrity of the equipment authorization program. However, the proposal in the *Notice* to abandon the successful self-approval SDoC process risks needlessly increasing compliance burdens without related national security benefit. CTA urges the Commission to decline to adopt this proposal.

Respectfully submitted,

/s/ J. David Grossman

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