Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program	)	ET Docket No. 24-136

COMMENTS OF CONSUMER TECHNOLOGY ASSOCIATION

J. David Grossman
Vice President, Policy & Regulatory Affairs

Ed Brzytwa
Vice President, International Trade

Rachel Nemeth
Senior Director, Regulatory Affairs

Consumer Technology Association
1919 S. Eads Street
Arlington, VA 22202
(703) 907-7651

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Consumer Technology Association (CTA)[1] respectfully submits these comments in response to the Federal Communications Commission's (Commission's or FCC's) Further Notice of Proposed Rulemaking in the above-captioned proceeding.[2] As developers and manufacturers of innovative consumer technologies, CTA and its members share the Commission's goals of enhancing device security and protecting the U.S. technology supply chain.[3] As it has throughout this proceeding, CTA continues to support the Commission's efforts to ensure the integrity of the equipment authorization program, including by addressing legitimate national security interests through the Commission's Covered List pursuant to 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*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 24-136, FCC 25-27 (rel. May 27, 2025) (*Order* or *FNPRM*).

[3] For example, CTA has been a champion and one of the leading associations working with the FCC to develop the Internet of Things Cybersecurity Labeling Program to administer the U.S. Cyber Trust Mark. *See, e.g.*, J. David Grossman, *The U.S. Cyber Trust Mark: Empowering Consumers & Manufacturers for a More Secure America*, LinkedIn (Apr. 17, 2025), https://www.linkedin.com/pulse/us-cyber-trust-mark-empowering-consumers-more-secure-america-zbo4e/.

Secure and Trusted Communications Networks Act and the Secure Equipment Act.[4] As CTA and INCOMPAS jointly noted, the Commission's efforts to prohibit recognition of testing facilities that are owned by, controlled by, or subject to the direction of prohibited entities provides manufacturers and telecommunications providers necessary assurances that the agency is taking important steps to reinforce the equipment authorization process.[5] These steps also are contributing to building a more secure and resilient supply chain that will continue to allow our members to quickly bring products to market.[6] However, CTA is concerned that certain proposals put forward in the *FNPRM* could increase costs for consumers, reduce innovation and disrupt the supply chain throughout the tech industry, without providing commensurate security benefits.[7]

Today's economy runs on FCC-authorized devices: wirelessly connected smart devices, including smartphones, laptops, televisions, wearables for healthier living, and smart home products that add convenience and security. The Commission's efficient equipment authorization process leverages private entities throughout the world so that manufacturers can certify their equipment once and then sell identical equipment from global manufacturing lines, utilizing complex supply chains in furtherance of innovation. For decades, this process has limited introduction of harmful interference to America's communications networks and provided American consumers access to the latest technology, innovations that are showcased annually at

[4] *See, e.g.*, Comments of Consumer Technology Association, ET Docket No. 24-136 (filed Sept. 3, 2024) (CTA NPRM Comments); Letter from Christopher L. Shipley, Executive Director of Public Policy, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 24-136 (filed May 16, 2025) (CTA-INCOMPAS Joint Letter).

[5] CTA-INCOMPAS Joint Letter at 1-2.

[6] *Id.*

[7] *FNPRM*.

CES. In recent years, the Commission has tweaked its equipment authorization process to meet emerging threats while making aspects of the program more efficient to the benefit of U.S. consumers and manufacturers. By and large, however, the Commission has kept this successful equipment authorization ecosystem intact. This regulatory stability and efficiency have made the United States a prime jurisdiction for innovation and also enables long-term planning for device development and rollout strategies.

CTA urges the Commission to take a measured approach to any actions to modify the equipment authorization process in this proceeding. Any changes should meaningfully increase security while minimizing burdens and adverse economic effects on consumers and innovators. This means avoiding (i) unnecessarily expelling or forbidding participants from the equipment authorization program, (ii) misaligned post-market surveillance requirements, (iii) barriers to the Telecommunications Certification Body (TCB) and test lab relationship and (iv) third-party testing requirements that would undermine the Supplier's Declaration of Conformity (SDoC) program.[8] In addition, any rule changes must provide manufacturers with sufficient time and guidance to comply with changes and avoid more disruption to supply chains than is necessary. CTA elaborates on these points below and welcomes further engagement with the Commission.

[8] The SDoC procedure requires the party responsible for compliance to ensure that the equipment complies with the appropriate technical standards. The responsible party, who must be located in the United States, is not required to file an equipment authorization application with the Commission or a TCB. Equipment authorized under the SDoC procedure is not listed in a Commission database. However, the responsible party or any other party marketing the equipment must provide a test report and other information demonstrating compliance with the rules upon request by the Commission. The responsible party has the option to use the certification procedure in place of the SDoC procedure. *See* FCC, Engineering & Technology, Laboratory Division, Equipment Authorization Approval Guide, Approval Procedures, https://www.fcc.gov/general/equipment-authorization-procedures (last visited Aug. 13, 2025).

I. THE COMMISSION SHOULD AVOID UNNECESSARILY EXPELLING OR FORBIDDING EQUIPMENT AUTHORIZATION PROGRAM PARTICIPANTS THAT DO NOT POSE AN ACTUAL NATIONAL SECURITY THREAT

Prohibiting testing facilities, TCBs and lab accreditation bodies based on physical location alone would be an overbroad approach that is not targeted to addressing national security risk. It also would arbitrarily limit radiofrequency testing and certification capacity. The *FNPRM* seeks comment on various additions to the list of prohibited entities, including whether to "extend the prohibitions in this rule beyond TCBs, test labs, and laboratory accreditation bodies that are owned by, controlled by, or subject to the direction of a foreign adversary or other prohibited entity to also include those TCBs, test labs, and laboratory accreditation bodies that are subject to the *jurisdiction* of a foreign adversary country[.]"[9] The Commission should not expand the prohibitions in this way.[10] Banning labs based on their physical location, without investigating the circumstances of their ownership or control, could unfairly disqualify capable, compliant labs from engaging in the equipment authorization process. An independently run test lab would likely present significantly less risk than a domestic lab *controlled by* a prohibited foreign entity. Treating an entity's physical location the same as the manner of its control would overlook the issue at the heart of this proceeding and unduly reduce manufacturers' access to testing facilities.

Such an expansion would also create an unnecessary barrier to trade and set a dangerous precedent for international reciprocity that would harm U.S.-based companies. As CTA has noted in other proceedings, under the World Trade Organization Technical Barriers to Trade Agreement, the United States is committed to ensuring "that technical regulations are not

[9] *FNPRM* ¶ 129.

[10] Relatedly, the Commission should clarify how it will define "private" or "non-government" entities within the context of these rules.

prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade."[11] Accordingly, "technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create."[12] Banning TCBs, test labs and accreditation bodies from every entity subject to the jurisdiction of a foreign adversary country would likely exclude a broad range of entities operating abroad that comply with the Commission's rigorous accreditation and testing practices and are not at risk of being exploited by a foreign adversary. Barring such labs from authorizing equipment bound for American consumers could delay innovation, increase costs and limit product availability to consumers, while also inviting other countries to adopt similar country-of-origin based prohibitions that exclude U.S. entities from market participation.

Because the global ecosystem is reliant on global manufacturing, it is important to appreciate that the process flows by moving from design to compliance testing and back as needed, prior to manufacturing—often all in the same country. Requiring manufacturers in one country, who are otherwise complying with applicable Commission rules and trade regulations, to ship products to another country during this development phase is overly burdensome and would lead to delayed innovation and increased costs. Standing up new test facilities will take significant time and resources to meet the shift in demand, and such costs would skyrocket under any overly broad prohibition and/or insufficient transition period. In any case, the Commission should also consider the countervailing benefits of having a disperse set of global lab locations, which, for example, support supply chain resiliency and logistical efficiencies.

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[11] World Trade Organization, Agreement on Technical Barriers to Trade, Art. 2.2 (Sept. 19, 2023) (WTO Art. 2.2), https://www.wto.org/english/docs_e/legal_e/17-tbt.pdf; *see also* Comments of Consumer Technology Association, PS Docket No. 23-239, at 27 (filed Oct. 6, 2023).

[12] WTO Art. 2.2.

II. CHANGING THE TCB RESPONSIBILITIES AND RELATIONSHIPS WILL BURDEN INDUSTRY TO THE DETRIMENT OF CONSUMERS, WHILE NOT ADVANCING NATIONAL SECURITY

A. Requiring Third Parties to Double Check TCBs Would Add Unnecessary Cost and Penalize Manufacturers Acting in Good Faith, Without Improving Current Post-Market Surveillance Requirements

Requiring third parties to review certifications or conduct TCBs' post-market surveillance duties would introduce unnecessary administrative costs into the equipment authorization process and misalign the timing of such accountability measures. Instead, the Commission should focus on enforcing its current requirements to ensure TCB integrity. The *FNPRM* seeks comment on whether to change the post-market surveillance requirements, including whether to require that TCBs review certification grants by other TCBs or instead require TCBs to engage independent reviewers/auditors to conduct their required post-market surveillance.[13] The current post-market surveillance requirements ensure that the devices coming off of production lines are identical to the test unit evaluated by the test lab and granted certification by the TCB.[14]

As the Commission notes, TCBs are accredited via the international lab accreditation process. In this process, entities like ANAB, A2LA, Intertek and others vet and periodically audit the TCB according to the industry standards ISO/IEC 17025 and ISO/IEC 17065, and to FCC requirements.[15] Market surveillance processes are part of this program. This well-regarded, well-known, global accreditation system is responsible for the quality of testing and data collection in

[13] *FNPRM* ¶ 145.

[14] *See generally Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, Report and Order, 29 FCC Rcd 16335, 16346 ¶ 24 (2014) (holding that "requiring the TCBs to conduct post-market surveillance will increase the assurance that the products in the marketplace comply with our rules and will not cause harmful interference").

[15] *See* 47 C.F.R. § 2.962 (Requirements for Telecommunication Certification Bodies); *FNPRM* ¶ 146.

such diverse and important categories as medical products, food safety and, of course, electronics. If there is a concern regarding accredited TCBs, then evidence-based inquiries should result in either the TCB adjusting its work or losing its accreditation.

Rather than reassigning the duties of TCBs to others that may not, for example, have access to the correct test equipment or specific testing software or be qualified to assess the conformance of certain devices, the Commission should focus on ensuring TCBs properly perform their work both at the point of testing and then during post-market surveillance. The *FNPRM*'s proposal would likely lead to the same types of easily attainable products being audited repeatedly, potentially without the proper testing software and protocols, which could cause major unfounded problems. However, if a TCB is not properly reviewing test data before it issues grants, then it should not be approved to issue grants in the first place. Likewise, if a TCB is not independently and objectively evaluating devices in the marketplace, it should be investigated and, if warranted, expelled from the program.

B. Erecting Barriers in the TCB and Test Lab Relationship Would Cause Delays and Increase Costs Without Providing Meaningful or Needed Integrity Assurances

The FCC's current requirements provide sufficient assurance to address any general concerns regarding common ownership between test labs and TCBs. The *FNPRM* seeks comment on additional safeguards to ensure the impartiality of TCBs and test labs, including whether to "restrict the relationships between TCBs and test labs to prevent TCBs from reviewing authorization applications for which the equipment was tested by a test lab owned by, or under the direction or control of the same entities that own, direct, or control the TCB."[16] This change is unnecessary and would not provide a clear benefit. TCBs and test labs are already

[16] *FNPRM* ¶ 146.

subject to rigorous procedures to ensure their integrity.[17] The current system was designed with the understanding that TCBs and labs need to work closely together, especially for complicated projects that involve multiple steps along the path from prototype to final certification. Banning joint ownership would cause major disruption to how TCBs and test labs currently operate.

Setting limitations based on unclear concerns is unnecessary and could damage a system that already works well. The *FNPRM* does not identify instances in which these relationships have caused problems. The proposed changes would significantly slow down the certification process, making it harder for new products to reach consumers. This would also raise costs and create greater risks for investors, chilling the U.S. marketplace.

III. THIRD-PARTY TESTING REQUIREMENTS WILL UNDERMINE THE EFFICIENT SDOC PROGRAM, CREATING UNNECESSARY BURDENS

The current SDoC program substantially streamlines the Commission's administrative process; requiring third party certification or use of FCC-accredited laboratories for authorization of such equipment would drastically increase costs and delays without commensurate security benefit. Recognizing the complexity of this issue, the Commission wisely deferred its decision regarding whether and how to address products subject to authorization via SDoC procedures in the context of "bad labs" to the *FNPRM*.[18] However, there is no more reason to abandon current SDoC protocols than there was when the Commission first proposed doing so. Specifically, the *FNPRM* proposes "to require that all equipment authorized under the SDoC procedure be tested at an accredited and FCC-recognized laboratory" and seeks comment on what impacts such an action could have on the supply chain and to the testing process.[19] As CTA detailed in comments

[17] For example, under Rule 2.962(c)(1), TCBs must meet ISO/IEC 17065 requirements, which include controls to prevent such conflicts of interest. *See* 47 C.F.R. § 2.962(c)(1).

[18] *See Order* ¶ 115.

[19] *FNPRM* ¶ 147.

on the *NPRM*, the current SDoC program includes strong safeguards, applies only to low-risk devices and requires detailed testing records.[20]

Mandating that all testing be conducted exclusively by accredited, FCC-recognized labs would significantly increase costs and create delays, without delivering measurable improvements in consumer protection. For example, the marketplace would very likely require many more labs to be accredited, which will cost additional time and resources, including precious FCC staff resources. A dramatic increase in the number of labs required for SDoC will strain or result in shortages of testing capacity globally. The new accreditation of a lab takes six to 18 months. However, accreditation bodies will similarly be limited in capacity versus market demand. Commission staff must also be involved in recognizing labs. As a result, requiring all testing be conducted exclusively by accredited, FCC-recognized labs will result in a test capacity problem that will likely last years and impact many companies domestically and internationally.

The existing self-approval system, adopted during the first Trump Administration, has proven to be effective, and no specific risks have been identified that would justify such changes.[21] The *FNPRM*'s proposal would revert to an older, less efficient regime counter to the Commission's intention in the *Delete, Delete, Delete* proceeding and the Administration's goals for a significantly reduced administrative state.[22]

[20] CTA NPRM Comments.

[21] *See Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, ET Docket No. 15-170, First Report and Order (rel. July 14, 2017).

[22] *See, e.g.*, Executive Order 14192 of January 31, 2025, *Unleashing Prosperity Through Deregulation*, 24 Fed. Reg. 9065 (Feb. 6, 2025); *In Re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219 (rel. Mar. 12, 2025).

IV. ANY RULE CHANGES MUST PROVIDE SUFFICIENT TIME AND GUIDANCE TO SUPPORT COMPLIANCE AND AVOID SUPPLY CHAIN DISRUPTION

Providing a sufficient time period and guidance on procedures for transitioning away from newly identified "Bad Labs" will support uniform implementation, reduce burdens on manufacturers and minimize—to the extent possible pursuant to new rules—supply chain disruptions. The Commission can and should provide sufficient time for manufacturers to transition away from using TCBs and test labs that are newly identified as "Bad Labs" under these rules. If the Commission requires immediate compliance with these new rules, manufacturers will have to rush to find acceptable labs in the short term, jeopardizing the authorization of new products. It is extremely difficult if not impossible in many cases to find a partner you trust in 90 days, for example. Additionally, manufacturers and testing facilities will need to adjust or potentially break contracts and physically move equipment—all of which will delay consumer products from arriving on store shelves and the newest and best technologies from being available to American consumers. Until the Commission receives information from its currently approved labs, it is unclear what testing capacity will be removed and need to be replaced in the global market.

Products already under development or in the process of authorization should not be affected by these changes. Manufacturers must be given time to reallocate resources and find new lab partners or TCBs if needed. A rushed transition period would cause companies to potentially face contract delays, miss product launch windows, upend investor expectations and undergo costly reworks to remain compliant. Given the scope of some of the proposals in the *FNPRM*, many manufacturers may be forced to change labs and TCBs before and after the enforcement of the regulations, which is expected to result in testing and applications being temporarily concentrated at a few institutions. Setting up and onboarding new test facilities takes

substantial time and resources, including, for example, sourcing and leasing a facility, hiring staff, securing and installing test equipment, achieving accreditation, etc. Providing advance notice and a sufficient transition period will reduce confusion and congestion in the equipment authorization process. The Commission should also provide clear guidance on procedures for how it will identify and notify those seeking equipment authorization of specific test labs, TCBs and lab accreditation bodies that cannot be leveraged for equipment authorization services as well as what steps the manufacturer should take in transitioning away from a newly identified prohibited entity.

V. CONCLUSION

CTA remains a partner and resource for the Commission in the important, continuous task of ensuring the integrity of the equipment authorization program. We urge the Commission to avoid proposed modifications to the equipment authorization rules that would introduce administrative burdens without commensurate security or integrity benefit and instead provide guidance and a sufficient transition period for manufacturers to comply with the new rules. CTA welcomes further engagement with the Commission on this important matter.

Respectfully submitted,

CONSUMER TECHNOLOGY ASSOCIATION

By: */s/ J. David Grossman*
J. David Grossman
Vice President, Policy & Regulatory Affairs

/s/ Ed Brzytwa
Ed Brzytwa
Vice President, International Trade

/s/ Rachel Nemeth
Rachel Nemeth
Senior Director, Regulatory Affairs

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