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ALERT

FCC/OET Seeks Comment on Incorporation of ASC C63 and ISO/IEC Updates Regarding Device Testing

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FCC Seeks Comment on Proposal to Update Testing Standards

ANSI C63.4 Applicable TO RF Devices and Digital Devices and

ISO/IEC 17025 Related to Accreditation of Certification Bodies and Test Labs

On April 2, 2019, the Federal Communications Commission (FCC or Commission) released a Public Notice seeking comment on a proposal to update its rules and procedures related to equipment testing and test laboratories that potentially affect the approval of nearly every digital device regulated by the FCC, including portions of nearly every modern radio communications device.[i] The FCC's rules govern the approval of such devices before they may be marketed or sold and govern their operation by users, including consumers and state or local governments.

Specifically, the FCC seeks to amend its rules to reflect recent changes to standards affecting (1) site validation for testing low-voltage electrical and electronic equipment operating from 9 kHz to 40 GHz (ANSI C63.4a-2017) and (2) standards related to the accreditation of Certification Bodies and Testing Laboratories, (ISO/IEC 17025:2017(E)).

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Both of these standards are recent updates to standards that are currently referenced in the FCC rules. The Commission's equipment authorization program for radiofrequency (RF) devices incorporates references to measurement and technical standards that have been established by standards-setting bodies such as the American Nationals Standards Institute, Accredited Standards Committee C63 (ASC C63) and the International Electrotechnical Commission and International Organization for Standardization (ISO/IEC),[ii] These organizations periodically update their standards to maintain best practices in response to advancements in technologies and measurement capabilities. When these changes are of a substantive nature, the Commission evaluates whether the changes should be codified in its rules using notice-and-comment procedures, with the Office of Engineering and Technology delegated the authority to revise references in rules that incorporate currently referenced standards.[iii]

ANSI C63.4a-2014 was incorporated into the Commission's Part 15 rules in 2014[iv] as a referenced electromagnetic compatibility (EMC) measurement standard for unintentional radiators. Testing under the standard to confirm compliance with the FCC's emissions limits is a prerequisite for the marketing of devices in support of nearly every communications service regulated by the FCC, and countless devices that emit radiofrequency energy that would not otherwise come within FCC regulation. ASC C63[v] adopted the subject modifications, ANSI C63.4a-2017 (*American National Standard for Methods of Measurement of Radio-Noise Emissions from Low-Voltage Electrical and Electronic Equipment in the Range of 9 kHz to 40 GHz, Amendment 1: Test Site Validation*), in 2017, and late last year asked the FCC to incorporate them into its rules. These modifications clarify several elements in the current standard and among other things, are intended to address issues related to normalization of site attenuation.

ISO/IEC 17025:2005(E) was incorporated into the FCC's Part 15 rules at the same time, in a contemporaneous update of its rules for the accreditation of Certification Bodies and Testing Laboratories. The subject amendment in play here, ISO/IEC:17025:2017(E) (*General Requirements for the Competence of Testing and Calibration Laboratories*) was adopted by ISO/IEC in late 2017. Among other things, it adds a definition of "laboratory" and replaces certain prescriptive requirements with performance-based requirements and allows for greater flexibility in satisfying the standard's requirements for processes, procedures, documented information and organizational responsibilities. The Commission now proposes to add this amendment to the existing reference to its rules, and it specifically proposes a three-year transition period, consonant with the renewal cycle of accreditation for testing laboratories.

Comments are due to the Commission 30 days after publication of the Public Notice in the Federal Register and Reply Comments are due 45 days after publication of the Public Notice in the Federal Register.

ANSI C63.4a-2017 can be purchased from the Institute of Electrical and Electronic Engineers (IEEE), 3916 Ranchero Drive, Ann Arbor, MI 48108, 1-800-699-9277, (IEEE publications can also be purchased from the American National Standards Institute (ANSI) through its website, at Customer Service, American National Standards Institute, 25 West 43rd Street, New York, NY 10036, telephone (212) 642-4900. ASC C63 also submitted a copy of the amendments to the standard to the Commission in conjunction with its petition.

ISO/IEC publications can be purchased from the American National Standards Institute (ANSI) through its website, at Customer Service, American National Standards Institute, 25 West 43rd Street, New York, NY 10036, telephone (212) 642-4900.

The Public Notice can be accessed here. It briefly describes the Commission's action and the reasons for it, and it includes instructions for filing comments.

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[i] FCC Public Notice DA 19-52, April 2, 2019.

[ii] 47 CFR § 2.910.

[iii] 47 C.F.R § 0.241(a)(1)(ii).

[iv] *Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment,* Report and Order, ET Docket No. 13-44, 29 FCC Red 16335 (2014). See 47 C.F.R. § 15.3 l(a)(4).

[v] American National Standards Institute, Accredited Standards Committee C63 (ASC 63) is a standards organization that is responsible for developing EMC measurement standards and testing procedures. ASC C63's standards are published by the American National Standards Institute under the ANSI nomenclature. The Commission has referenced various versions of ASC C63-originated standards in its rules for more than a quarter century.