



# PUBLIC NOTICE

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## FCC ENFORCEMENT ADVISORY

### ATTENTION ELECTRONIC DEVICE RETAILERS: SUPPLIER'S DECLARATION OF CONFORMITY PROCEDURES ARE NOW IN EFFECT

The Enforcement Bureau (EB) of the Federal Communications Commission (FCC or Commission) issues this Advisory to remind any entity marketing radio frequency (RF) devices (marketers) that the devices may be subject to new compliance requirements provided in the Supplier's Declaration of Conformity (SDoC) procedures. Before being marketed in the United States, devices subject to the SDoC procedures must be properly authorized, labeled, and furnished with the proper user information disclosures.<sup>1</sup> Failure to comply may subject the violator to substantial monetary penalties that could total more than \$150,000 per violation.

#### What Types of Electronic Devices Are Subject to the SDoC Procedures?

In general, a device subject to SDoC is one that does not purposely transmit an RF signal for communications purposes, i.e., it does not send voice and/or data to a wireless receiver.<sup>2</sup> This category includes a broad range of consumer and commercial devices such as computer peripherals, light-emitting diode (LED) signs, ultrasonic humidifiers, and microwave ovens. Most devices subject to SDoC are described in Sections 15.101(a) and 18.203 of the Commission's rules.<sup>3</sup> We caution that these provisions do not contain an exhaustive list of all devices subject to SDoC, and marketers should conduct due diligence research of the FCC's rules to assure themselves that any RF devices they market to U.S. consumers comply with those rules.<sup>4</sup>

<sup>1</sup> See 47 CFR § 2.803.

<sup>2</sup> A digital device that does not purposely transmit an RF signal for communication purposes is known as an unintentional radiator. For a technical definition of these devices, see 47 CFR §§ 15.3(k), 15.3(z).

<sup>3</sup> *Id.* §§ 15.101(a), 18.203.

<sup>4</sup> See, e.g., *id.* §§ 2.909(b), 73.53, 73.1660(a)(1); see also OET Knowledge Database, Supplier's Declaration of Conformity Guidance, Publication No. 896810 (July 2, 2018), [https://apps.fcc.gov/kdb/GetAttachment.html?id=Sge4TP9Xk74qw7eKml6TdQ%3D%3D&desc=896810%20D01%20SDoC%20v01r01&tracking\\_number=203240](https://apps.fcc.gov/kdb/GetAttachment.html?id=Sge4TP9Xk74qw7eKml6TdQ%3D%3D&desc=896810%20D01%20SDoC%20v01r01&tracking_number=203240) (SDoC KDB).

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## Who Needs to Know the Commission's SDoC Procedures?

Any entity that markets an RF device—including manufacturers, importers, and retailers—should know the Commission's rules to assure itself that each device in its inventory or catalog has been properly authorized.<sup>5</sup> The term “marketing” is broadly defined in the FCC's rules and includes importation, advertising, selling, or leasing.<sup>6</sup> For devices subject to SDoC, the responsible party for compliance is defined in Section 2.909(b) of the FCC's rules.<sup>7</sup> This party must be located in the United States.<sup>8</sup>

## What Should You Do?

With limited exceptions,<sup>9</sup> before any RF device is marketed in the United States, it must be properly authorized under the SDoC or, alternatively, under the Certification procedures.<sup>10</sup> Marketers should ensure that each device in their inventory or catalog has been authorized by obtaining proof of compliance. Additionally, at the time of marketing (e.g., when the device is advertised, imported, or sold), marketers must include a compliance statement with any device subject to SDoC.<sup>11</sup> The statement must include any required compliance language<sup>12</sup> and be included in the user's manual or as a separate sheet.<sup>13</sup>

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<sup>5</sup> We note that this list does not encompass all the parties that are responsible for device compliance under Section 2.909(b) of the Commission's rules. 47 CFR § 2.909(b).

<sup>6</sup> With limited exceptions, “[m]arketing. . . includes sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease.” *Id.* § 2.803.

<sup>7</sup> *See id.* § 2.909(b).

<sup>8</sup> *Id.*

<sup>9</sup> Under limited circumstances, an RF device may be marketed prior to equipment authorization, see 47 CFR § 2.803(c).

<sup>10</sup> Currently, there are only two different procedures for effecting equipment authorization of RF devices: SDoC and Certification. *See id.* §§ 2.906, 2.907; *see also* Office of Engineering & Technology (OET), Equipment Authorization, <https://www.fcc.gov/engineering-technology/laboratory-division/general/equipment-authorization> (last visited Feb. 11, 2019). On July 14, 2017, the Commission amended some of its rules regarding the authorization of radiofrequency equipment. *Amendment of 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 (2017) (*SDoC Order*). On November 2, 2017, those amendments became effective, which began a transition period to phase out over a one-year period two equipment authorization procedures—Verification and Declaration of Conformity—replacing them with a new equipment authorization procedure, the SDoC. Federal Communications Commission, *Authorization of Radiofrequency Equipment*, 82 Fed. Reg. 50820 (Nov. 2, 2017). The transition period ended on November 2, 2018. *See SDoC Order*, 32 FCC Rcd 8757, paras. 25-26. A device authorized under previously accepted procedures before November 2, 2018, remains authorized and may be marketed or used if it continues to meet the requirements attendant to that authorization. *See, e.g.*, 47 CFR §§ 2.803, 15.19, 15.21, 15.107, 15.109. After this date, if any changes requiring a new authorization are made to a previously authorized device, the SDoC procedures will apply. *See* 47 CFR § 2.950(j).

<sup>11</sup> *See id.* § 2.1077; *see also supra* note 6 (defining “marketing”).

<sup>12</sup> Specifically, the statement must identify (by name, address, and telephone number or Internet contact information) the party responsible for compliance who, as noted above, must be located within the United States. 47 CFR §§ 2.909(b), 2.1077.

<sup>13</sup> If the user's manual is posted on the Internet or in another permissible format, the compliance information statement may be included in that format, provided that the user may reasonably be expected to access the information. *Id.* § 2.1077(c). The information may also be provided electronically as permitted in Section 2.935 of the FCC's rules. *Id.* § 2.935.

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FCC compliance requirements include:

- 1) Testing of each unique device to determine compliance with the applicable FCC technical rules;<sup>14</sup>
- 2) Ensuring that, when marketed, each unit also complies with all applicable labeling and other administrative requirements;<sup>15</sup>
- 3) Retaining all required records that demonstrate compliance with the applicable rules for each device, such as a test report and a copy of the compliance statement;<sup>16</sup> and
- 4) Ensuring that the party responsible for device compliance with the Commission's rules is located in the United States.<sup>17</sup>

### **What Happens If RF Equipment Does Not Comply with the FCC's Rules?**

Any entity or person that markets noncompliant RF devices may be subject to the penalties authorized by the Communications Act, including, but not limited to, substantial monetary fines (currently up to \$20,134 per day for marketing violations and up to \$151,005 for an ongoing violation).<sup>18</sup>

### **Need more information?**

For questions regarding the information in this Advisory, email [EB-SED-Response@fcc.gov](mailto:EB-SED-Response@fcc.gov).<sup>19</sup> For additional information regarding equipment authorizations, please visit the FCC website at <https://www.fcc.gov/engineering-technology/laboratory-division/general/equipment-authorization>, or review OET's Knowledge Database publications at <https://apps.fcc.gov/oetcf/kdb/index.cfm>. Media inquiries should be directed to Will Wiquist at (202) 418-0509 or [will.wiquist@fcc.gov](mailto:will.wiquist@fcc.gov).

To file a complaint, visit <https://consumercomplaints.fcc.gov> or call 1-888-CALL-FCC.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-TELL-FCC (1-888-835-5322).

Issued by: Chief, Enforcement Bureau

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<sup>14</sup> See, e.g., *id.* § 2.906.

<sup>15</sup> See, e.g., *id.* §§ 2.1077, 15.19; see also OET Knowledge Database, General Guidelines for Labeling and Other Information Required to be Provided to Users, Publication No. 784748 (July 02, 2018), <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=27980>.

<sup>16</sup> See 47 CFR §§ 2.938, 2.1077.

<sup>17</sup> *Id.* § 2.909(b).

<sup>18</sup> See 47 U.S.C. §§ 302a(b), 503(b)(2)(D), 503(b)(5); 47 CFR §§ 1.80(b)(7), (b)(9) (reflecting adjustments for inflation). An entity or person that markets a non-compliant device is subject to penalties even if that entity or person is not the party responsible for the device's compliance with the applicable FCC rules. 47 CFR § 2.803.

<sup>19</sup> We encourage all relevant stakeholders to review the *SDOC KDB*, and the frequently asked questions regarding the SDoC procedure. *SDOC KDB*, *supra* note 4; OET, Supplier's Declaration of Conformity Frequently Asked Questions (July 2, 2018), [https://apps.fcc.gov/kdb/GetAttachment.html?id=epfu4GysSs2dUxYp1RnhxA%3D%3D&desc=896810%20D02%20SDoC%20FAQ%20v01r02&tracking\\_number=203240](https://apps.fcc.gov/kdb/GetAttachment.html?id=epfu4GysSs2dUxYp1RnhxA%3D%3D&desc=896810%20D02%20SDoC%20FAQ%20v01r02&tracking_number=203240).