PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 24-1214
December 4, 2024

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SELECTS UL LLC TO SERVE AS LEAD ADMINISTRATOR OF THE INTERNET OF THINGS CYBERSECURITY LABELING PROGRAM

PS Docket No. 23-239

1. By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) announces the selection of UL LLC (UL Solutions) to serve as both the Lead Administrator as well as a Cybersecurity Label Administrator (CLA) for the Federal Communications Commission's (FCC or Commission) Internet of Things Cybersecurity Labeling Program (IoT Labeling Program) which includes the U.S. government certification mark (U.S. Cyber Trust Mark).[1] UL Solutions describes itself as a global leader in applied safety science with a distinguished heritage and long history of operating at the forefront of safety science enhancing consumer safety. As Lead Administrator, UL Solutions will be responsible for identifying or developing, and recommending to the Commission for approval, the IoT-specific standards and testing procedures for the program, among other recommendations, and for acting as liaison between the Commission and CLAs.[2] The Commission will retain ultimate control and oversight over the program as the IoT Labeling Program owner.[3]

2. The Bureau finds that UL Solutions meets the Commission's program criteria and requirements to be conditionally approved as a CLA and also satisfies the additional Lead Administrator program criteria and requirements. UL Solutions's approval is conditioned upon its execution of a Trademark Use Agreement[4] with the FCC, as well as its commitment to obtain International Organization

[1] *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-26, at 24, 27, paras. 42, 52 (2024) (*IoT Labeling Order*).

[2] *IoT Labeling Order* at 24, 27, paras. 42, 51.

[3] *IoT Labeling Order* at 23, paras. 40-41 (Commission fosters public-private collaboration, including with regard to administration of the program, while retaining ultimate control and oversight of the program); *id*. at 30, para. 55 (subject to Commission oversight, CLAs will evaluate and grant or deny requests to use the FCC IoT label); 47 CFR § 8.220(f)(11).

[4] The Bureau has previously referred to this document as a "Licensing Agreement." *Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for Cybersecurity Labeling Administrator and Lead Administrator Applications Under the Cybersecurity Labeling for Internet of Things Program*, Public Notice, PS Docket No. 23-239, DA 24-900 at 15, para. 33 (Sept. 10, 2024) (*Filing Window Notice*). This is the same agreement previously contemplated, with the name adjusted for clarity. This document will be referred to as a "Trademark Use Agreement" going forward. The Commission anticipates that it will periodically amend such Trademark Use Agreements as we gain experience in the program.

for Standardization/International Electrotechnical Commission (ISO/IEC) accreditation[5] with the appropriate FCC program scope within six (6) months of the effective date of the Commission's adoption of IoT cybersecurity labeling standards and testing procedures.[6] **Conditionally approved CLAs, including UL Solutions, are not authorized by the Commission to approve the use of the U.S. Cyber Trust Mark.** The Bureau will only approve a CLA to accept and process manufacturer applications and authorize use of the FCC IoT Label, including the U.S. Cyber Trust Mark, *after* the CLA has demonstrated to the Bureau that it has obtained ISO/IEC 17065 accreditation with the FCC's program scope[7] and other CLA conditions (e.g., development of a cybersecurity risk management plan).

Lead Administrator Responsibilities

3. UL Solutions will undertake the duties outlined in the *IoT Labeling Order,* including leading the 90-day stakeholder process and developing a consumer outreach campaign in collaboration with stakeholders.[8] The 90-day stakeholder process will include CLAs, as well as a variety of interested stakeholders (e.g., cyber experts from industry, government, and academia),[9] and will result in the identification or development of IoT cybersecurity standards (or packages of standards) and testing procedures UL Solutions determines can be used to test that a product meets the NISTIR 8425 criteria for each class of products identified by the stakeholder working group.[10] UL Solutions will submit the initial set of recommendations to the Bureau no later than 90 days after release of this Public Notice.[11]

4. UL Solutions will submit to the Bureau and the Office of the Managing Director (OMD) an estimate of its forward-looking costs including, separately, program stand-up costs and ongoing program costs to perform the Lead Administrator duties for the upcoming calendar year, which will be reviewed by CLAs, the Bureau and OMD for reasonableness.[12] If these estimated costs are determined to be reasonable, they will be used to estimate the overall CLA cost sharing obligation. CLAs and UL Solutions will determine the cost sharing methodology, which should be reasonable and equitable and will be subject to ongoing oversight by the Commission.[13] UL Solutions will conduct and submit to the

[5] ISO/IEC 17065:2012, *Conformity Assessment – Requirements for Bodies Certifying Products, Processes and Services*, https://anab.ansi.org/standard/iso-iec-17065/.

[6] *IoT Labeling Order* at 33, para. 59; 47 CFR § 8.220(c)(6). Entities that are unable to meet this or request a waiver of this deadline for additional time to comply in accordance with the Commission's rules. *See* 47 CFR § 1.3. *See also Filing Window Notice* at 8, para. 14 (citing 47 CFR § 1.925).

[7] 47 CFR § 8.220(c)(6). Upon a CLA's successful ISO/IEC 17065 accreditation with the FCC's program scope, PSHSB will release a Public Notice announcing that a CLA has moved from conditional approval to full approval and has authorization to accept and process manufacturer applications.

[8] *IoT Labeling Order* at 27-32, paras. 51-58 (detailing the duties of the Lead Administrator); *see also* 47 CFR § 8.221.

[9] *IoT Labeling Order* at 30, para. 56; 47 C.F.R. § 8.221(a)(4).

[10] *IoT Labeling Order* at 31, para. 58; 47 C.F.R. § 8.221(a)(4).

[11] The Bureau anticipates the 90-day timeline can be met based on industry work that has already occurred, but the Bureau also recognizes UL Solutions may require additional time and, as such, may request an extension of this deadline.

[12] *Filing Window Notice* at 9, paras. 18-19.

[13] We recognize UL Solutions will, in addition to its Lead Administrator role, also take on the role of CLA, and will also incur a CLA cost sharing obligation.

Bureau and OMD an annual, independently audited, statement of program expenditures and monies received from the CLAs.[14]

5. UL Solutions is advised that its selection does not constitute FCC or United States Government approval, acceptance, or endorsement of anything other than the organization's participation in the administration of the IoT Labeling Program, and UL Solutions shall not so construe, claim, or imply such. By accepting their role, UL Solutions similarly acknowledges that activities undertaken in connection with the administration of the IoT Labeling Program are voluntary and not intended to provide goods or services to the FCC or any other agency or instrumentality of the United States Government. UL Solutions may not submit claims for compensation to the FCC or any other agency or instrumentality of the United States Government for activities related to its role as Lead Administrator and/or CLA. Moreover, selection of UL Solutions does not obligate funds for any particular expenditure, nor does it authorize the transfer of funds and/or resources. The Commission does not intend to commit funds on behalf of the FCC or any other agency or instrumentality of the U.S Government for the administration of the IoT Labeling Program nor does it provide for the payment of funds by any agency or instrumentality of the U.S. Government to any entity.[15] UL Solutions accepts the risk of loss in engaging in its respective roles in the IoT Labeling Program.

6. For further information regarding this proceeding, please contact Drew Morin, Deputy Division Chief, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau by email to Drew.Morin@fcc.gov or Tara B. Shostek, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau at Tara.Shostek@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

-FCC-

[14] *Filing Window Notice* at 9-10, para. 19. *See also* 47 CFR § 8.221(a)(1) (requiring the Lead Administrator to submit to the Commission any other reports upon request of the Commission); *Filing Window Notice* at 10, para. 19 (stating that the Bureau will provide further guidance on CLA cost sharing once the CLAs and the Lead Administrator have been selected).

[15] As outlined in the *IoT Labeling Order*, "to the extent that the Lead Administrator may incur costs in performing its duties on behalf of the program as a whole, we expect these costs to be shared among CLAs as a whole." *IoT Labeling Order* at 47, para. 93.