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

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES CONDITIONALLY APPROVED CYBERSECURITY LABEL ADMINISTRATORS FOR 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 conditionally approved Cybersecurity Label Administrators (CLAs) 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] CLAs are responsible for certifying use of the FCC IoT label and U.S. Cyber Trust Mark, and will be responsible for the day-to-day management of the program. The Commission retains ultimate control and oversight over the program as the IoT Labeling Program owner.[2]

2. The Bureau finds that each of the following applicants meets the Commission's program criteria and requirements and *conditionally approves* each of the following to serve as a CLA:

CSA America Testing & Certification, LLC	SGS North America Inc.
CTIA Certification LLC	Telecommunications Industry Association
DEKRA Certification Inc.	TÜV Rheinland of N.A.
Intertek Testing Services NA, Inc.	TÜV SÜD America
ioXt Alliance	UL LLC[3]
Palindrome Technologies	

3. CLAs are responsible for sharing the Lead Administrator's costs in performing its Lead Administrator duties as on behalf of the program.[4] CLAs will review for reasonableness the Lead Administrator's estimated forward-looking costs which have been submitted to the Bureau and the Office

[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 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).

[3] The Bureau previously selected UL LLC to serve as Lead Administrator of the FCC's program. *Public Safety and Homeland Security Bureau Selects UL LLC to serve as Lead Administrator of the Internet of Things Cybersecurity Labeling Program*, Public Notice, PS Docket No. 23-239, DA 12-1214 (Dec. 4, 2024).

[4] *IoT Labeling Order* at 47, para. 93.

of Managing Director (OMD), which will include program stand-up costs and ongoing program costs to perform the Lead Administrator's duties for the upcoming calendar year.[5] If these estimated costs are determined by the Bureau and OMD to be reasonable, they will be used to estimate the overall CLA cost sharing obligation. Each CLA will work with the Lead Administrator and other CLAs, subject to Commission oversight, to develop a reasonable and equitable cost sharing methodology whereby CLAs will share in the Lead Administrator's expenses incurred as a result of the performance of its duties under this program. The cost sharing methodology will be subject to ongoing oversight by the Commission.[6]

4. Each CLA must undertake the duties outlined in the *IoT Labeling Order*, which include but are not limited to participation in the Lead Administrator-led 90-day stakeholder engagement process, participation in the development of a consumer outreach campaign, and only after the Trademark Use Agreement has been signed, execution of the consumer outreach campaign. [7]

5. Each entity's CLA approval is conditioned upon its execution of a Trademark Use Agreement[8] with the FCC, and its commitment to obtain International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 17065 accreditation 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.[9] Conditionally approved CLAs 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 executed the Trademark Use Agreement, demonstrated to the Bureau that it has obtained ISO/IEC 17065 accreditation with the FCC's program scope, and demonstrated compliance with other CLA requirements (e.g., development of a cybersecurity risk management plan).[10] Further, to address national security concerns, the authority of CLAs to grant applications to use the FCC IoT Label under the IoT Labeling Program, will automatically terminate if the CLA subsequently becomes owned or controlled by or affiliated with an entity that produces equipment found on the Covered List, or otherwise added to any exclusionary list identified in the *IoT Labeling*

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

[6] 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.

[7] *IoT Labeling Order* at 27-32, paras. 51-58 (detailing the duties of the CLAs); *see also* 47 CFR § 8.220.

[8] 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). 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. The Trademark Use Agreements will not be transferable. That means that once executed, a CLA may not transfer the Trademark Use Agreement, or any interest in the Trademark Use Agreement, to another party. A purported transfer in violation of this would annul the Trademark Use Agreement, except that all rights pertaining to the Federal Communications Commission would be reserved.

[9] *See* 47 C.F.R. § 8.220(c)(6) (The Commission will accept and conditionally approve a CLA application provided the entity obtains accreditation to ISO/IEC 17065 with the appropriate scope within six (6) months of the effective date by the adopted standards and testing procedures and otherwise meets the FCC's IoT Labeling Program requirements). *IoT Labeling Order* at 36, para. 64.

[10] Upon a CLA's successful ISO/IEC 17065 accreditation and compliance with additional program requirements, 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.

Order as precluding authorization as a CLA. The CLA's authority may also be terminated for failure to uphold the required competencies or accreditations enumerated in the *IoT Labeling Order*, including those addressing national security risks.[11] As noted above, CLAs are conditionally approved pending accreditation to ISO/IEC 17065 and the Commission's program scope. CLAs may apply for accreditation after the Commission has established accreditation program(s) with FCC-recognized accrediting bodies. Once a CLA has obtained the appropriate accreditation, it will notify the Bureau and request Bureau recognition. Once it has been recognized by the Bureau, a CLA will be authorized to approve applications for authority to affix the FCC IoT Label to products that comply with all of the Commission's program requirements.

6. Each of the parties listed above 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 they shall not so construe, claim, or imply such. By accepting their roles, each party 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. The selected entities 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, each party's selection 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.[12] Each selected party accepts the risk of loss in engaging in its respective roles in the Cyber Trust Mark Program.

7. 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.

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[11] *IoT Labeling Order* at 35, para. 63.

[12] 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.