



Federal Communications Commission
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SMALL ENTITY COMPLIANCE GUIDE

**Updating References to Standards
Related to the Commission's Equipment Authorization Program**

FCC 23-14

**ET Docket No. 21-363
Released March 14, 2023**

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide in the above-referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments, recommendations, or requests for further assistance to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

Through its equipment authorization program, the Commission ensures the radiofrequency (RF) devices people rely on daily, such as cell phones and Wi-Fi devices, operate effectively without causing harmful interference and otherwise comply with the Commission's rules. Equipment authorization program procedures are codified in the Code of Federal Regulations (CFR) in part 2 of the rules.¹ Part 2 of the Commission's rules provide two different approval procedures for RF devices subject to equipment authorization—certification and Supplier's Declaration of Conformity (SDoC).² While both processes involve laboratory testing to demonstrate compliance with Commission requirements, testing associated with certification must be performed by an FCC-recognized accredited testing laboratory.³

On March 10, 2023, the Commission updated its equipment authorization program rules to incorporate by reference⁴ four new and updated industry standards that are integral to equipment testing.⁵ The Commission's rules are routinely updated to reflect significant developments in the standards-setting community. In doing so, the Commission ensures the equipment authorization program relies on the latest industry standards, thus providing the public with confidence that today's advanced devices are in compliance with the Commission's technical rules.

In the *Report and Order*, the Commission incorporated by reference:⁶ (1) the American National Standards Institute (ANSI) C63.25.1-2018 standard in sections 2.910 and 2.948 that consolidates guidance from existing standards to provide test site validation procedures from 1 GHz to 18 GHz; (2) the ANSI C63.10-2020 standard in sections 2.910, 2.950, 15.31, and 15.38 updates a previously incorporated by reference standard and addresses compliance testing procedures for unlicensed wireless transmitters;

¹ See 47 CFR pt. 2, subpt. J.

² 47 CFR § 2.901. Certification is a more rigorous approval process for RF devices with the greatest potential to cause harmful interference to other radio operations. A grant of certification is an equipment authorization issued by an FCC-recognized telecommunications certification body (TCB) based on an evaluation of the supporting documentation and test data submitted to the TCB. 47 CFR § 2.907. SDoC allows a device to be marketed on the basis of testing performed in accordance with a Commission-approved methodology by the manufacturer, assembler, importer, or seller itself without the need to submit an application to a TCB. 47 CFR § 2.906.

³ 47 CFR § 2.948(a).

⁴ Incorporation by reference (IBR) is the process that federal agencies use when referring to materials published elsewhere to give those materials the same force and effect of law in the Code of Federal Regulations (CFR) as if the materials' text had actually been published in the Federal Register. By using IBR, the Commission is able to give effect to technical instructions, testing methodologies, and other process documents that are developed and owned by standards development organizations. Referencing these documents in the Commission's rules in accordance with guidelines the Office of the Federal Register established substantially reduces the volume of material that the Commission otherwise would have to publish in the Federal Register and the CFR. Once the Commission has completed any necessary notice-and-comment rulemaking proceedings and determined based on the record that any standards the Commission adopts are sound and appropriate, the Commission need only update the references to the standards in its rules. See *Updating References to Standards Related to the Commission's Equipment Authorization Program*, ET Docket No. 21-363, Report and Order, FCC-23-14, para. 6 & n.19 (Mar. 14, 2023) (*Report and Order*).

⁵ *Report and Order*.

⁶ Incorporating external standards within the Commission's rules has been a longstanding practice that reflects the Commission's desire, where appropriate and consistent with the Administrative Procedure Act and other statutes, to harmonize the rules with international standards and aligns the Commission's rules with general federal agency guidance which urges government agencies to use industry-developed standards rather than develop their own. See, e.g., *Procedure for measuring electromagnetic emissions from digital devices*, GEN Docket No. 89-44, Further Notice of Proposed Rule Making, 6 FCC Rcd 600, 601, paras. 7-8 (1991); see also OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities (updated Jan. 27, 2016), available at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>.

(3) the ISO/IEC 17025:2017(E) standard in sections 2.910, 2.948, 2.949, 2.962, and 68.62 updates a previously incorporated by reference standard and replaces certain prescriptive requirements with performance-based requirements for test laboratory accreditation; and (4) the ANSI C63.4a-2017 standard in sections 2.910 and 2.948 provides additional options for the normalized site attenuation procedures associated with validating radiated test sites for use in the 30 MHz to 1 GHz frequency range.

The actions taken in the *Report and Order* further the Commission's goals of harmonizing its rules with international and industry standards by using technical instructions, testing methodologies, and other process documents from standards development organizations. Further, incorporation by reference substantially reduces the volume of material that the Commission otherwise would have to publish in the *Federal Register* and the Code of Federal Regulations (CFR). Section 2.910 of the Commission's rules describes the incorporation by reference of these standards, including information on how interested parties can inspect and obtain copies of the relevant materials. Parties interested in accessing standards documents may do so in various ways. The Commission, per its long-standing practice, has ensured that materials are available for in-person inspection.⁷ Each of the relevant standards has remained available throughout the rulemaking proceeding and the standards are available in a read-only format or for purchase through the standards development organizations. In addition, the National Archives and Records Administration Office of the Federal Register (NARA OFR) makes legal record copies of all standards that have been incorporated by reference "available for public inspection and limited photocopying."⁸

In addition to continued opportunities to purchase copies through the standards development organizations and other online sources, each of the standards is available to the public through the on-line reading rooms that the standards bodies maintain. The Commission concludes that the materials incorporated by reference are reasonably available to the class of person affected, consistent with 5 U.S.C. § 552(a) and the policies and procedures under 1 CFR part 51.⁹

II. COMPLIANCE REQUIREMENTS

A. American National Standard Validation Methods for Radiated Emission Test Sites (1 GHz to 18 GHz (ANSI C63.25.1-2018)), sections 2.910 and 2.948 *Final Rule*, 88 Fed. Reg at 67111

- The C63.25.1-2018 standard combines guidance from the C63.4-2014 standard and introduces the option of using a new effective test validation method called time domain site validation (TDSV).
- Procedures previously described in section 2.948(d) of the Commission's rules, such as the CISPR 16 method known as the site voltage standing wave ratio (SVSWR), will still

⁷ See National Archives and Records Administration Office of the Federal Register (NARA OFR), *Code of Federal Regulations Incorporation by Reference*, <https://www.archives.gov/federal-register/cfr/ibr-locations.html> (last visited May 2, 2023). The Commission also notes that in the summary of the *Report and Order (R&O)* published in the Federal Register, the Commission provided sources through which interested persons could obtain copies of the relevant standards and stated that a copy of each standard would be available for inspection at the FCC's main office. See *Updating References to Standards Related to the Commission's Equipment Authorization Program*, 88 Fed. Reg. 67108 (Sep. 29, 2023) (*Final Rule*).

⁸ See *Final Rule*, 88 Fed. Reg at 67109.

⁹ The Commission's means of accessing the actual text of the standards was provided in addition to the statement of the substance of the proposed rule and description of the subjects and issues in the *NPRM*, which was provided consistent with 5 U.S.C. § 553(b)(3). See generally *Report And Order*, "Discussion" section.

be allowed for test site validation of radiated emission measurements from 1 GHz to 18 GHz.

- There is no transition period for the use of this standard because it includes the test site validation option in the existing C63.4-2014 standard.
- Compliance with this requirement is effective October 30, 2023.

B. American National Standard of Procedures for Compliance Testing of Unlicensed Wireless Devices (ANSI C63.10-2020), sections 2.910, 2.950, 15.31, and 15.38 *Final Rule*, 88 Fed. Reg at 67112

- The C63.10-2020 standard replaces the C63.10-2013 standard and any existing related references and provides new and updated methods that address advancements in compliance testing for a wide variety of unlicensed wireless transmitters, such as remote control and security unlicensed wireless devices, frequency hopping and direct sequence spread spectrum devices, anti-pilferage devices, cordless telephones, medical unlicensed wireless devices, Unlicensed National Information Infrastructure (U-NII) devices, intrusion detectors, unlicensed wireless devices operating on frequencies below 30 MHz, automatic vehicle identification systems, and other unlicensed wireless devices authorized by a radio regulatory authority.
- C63.10-2020 is a North American standard that accommodates Canadian and U.S. regulations.

Either ANSI C63.10-2013 or ANSI C63.10-2020 will be permitted until October 30, 2025; after this date only ANSI C63.10-2020 is permitted.

C. General Requirements for the Competence of Testing and Calibration Laboratories (ISO/IEC 17025:2017(E)), Sections 2.910, 2.948, 2.949, 2.962, and 68.62 *Final Rule*, 88 Fed. Reg at 67112

- 17025:2017(E) is a new version of the test laboratory accreditation standard previously referenced in our rules.
- The entire standard is incorporated by reference, including Clause 8.1 - Option A and Option B for greater flexibility.
- Option B allows laboratories to operate a quality management system that conforms to a certain standard from the International Organization for Standardization (i.e., ISO 9001) and Option A of ISO/IEC 17025:2017 incorporates relevant requirements of that same standard. Option A is more commonly used but Option B is available because some organizations have implemented an ISO 9001 system and would not need to take additional actions to demonstrate compliance.
- Either ISO/IEC 17025:2005(E) or ISO/IEC 17025:2017(E) will be permitted until October 30, 2025; after this date only ISO/IEC 17025:2017(E) is permitted.

D. American National Standard for Methods of Measurement of Radio-Noise Emissions from Low-Voltage Electrical and Electronic Equipment (Range of 9 kHz to 40 GHz), Amendment 1: Test Site Validation (ANSI C63.4a-2017), Sections 2.910 and 2.948 *Final Rule*, 88 Fed. Reg at 67113

- When the measurement method used requires the testing of radiated emissions on a validated test site, the site attenuation must comply with either: the requirements of ANSI C63.4a-2017 or the requirements of sections 5.4.4 through 5.5 of the following procedure: ANSI C63.4–2014.
- Measurement facilities used to make radiated emission measurements from 30 MHz to 1 GHz must comply with the site validation requirements in either ANSI C63.4a-2017 or ANSI C63.4–2014 (clause 5.4.4).
- There is no transition period for the use of the updated C63.4a-2017 standard because the updated rules permit continued use of the existing C63.4-2014 standard.
- Compliance with this requirement is effective October 30, 2023.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission’s actions in the *Report and Order* did not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The rules adopted in the *Report and Order* became effective October 30, 2023.

V. INTERNET LINKS

A copy of the *Report and Order* is available at:

<https://www.fcc.gov/document/fcc-updates-equipment-authorization-standards>,
[FCC-23-14A1.docx](#), [FCC-23-14A1.pdf](#), [FCC-23-14A1.txt](#).