



April 16, 2013

Hughes Nappert  
Manager, Regulatory Standards  
Engineering, Planning and Standards Branch  
Spectrum, Information Technologies and Telecommunications Sector  
Industry Canada  
365 Laurier Avenue West, Ottawa ON K1A 0C8

**RE: Further Supplemental Comments of the Telecommunications Industry Association on Industry Canada's Draft *Radio Frequency (RF) Exposure Compliance of Radiocommunication Apparatus (All Frequency Bands)* (RSP-102 Issue 5)**

Dear Mr. Nappert:

The Telecommunications Industry Association's ("TIA") Technical Regulatory Policy Committee ("TRPC")<sup>1</sup> hereby submits supplemental comments to Industry Canada on its draft revisions to RSS-102<sup>2</sup> to Industry Canada ("IC").

On March 4, 2013, we submitted supplemental comments to IC which focused on TIA's continuing concern is that the RSS-102 Draft retains a requirement for an additional "rationale" for testing employing a non-preferred spacing. We noted in our initial comments to IC, to comply with current SAR requirements as well as to provide adequate notice to consumers, manufacturers have already been making available spacing information in the user guide. We also noted that cellular phone manufacturer members of the Mobile Manufacturers Forum have previously obligated themselves to offer a "SAR Tick"<sup>3</sup> with additional spacing information for

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<sup>1</sup> TIA is a Washington, DC-based trade association and standard developer that represents the global information and communications technology ("ICT") industry through standards development, advocacy, trade shows, business opportunities, market intelligence and world-wide environmental regulatory analysis. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA's hundreds of member companies' products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. TIA is an accredited standard development organization for the ICT sector by the American National Standards Institute ("ANSI").

TIA's Technical Regulatory Policy Committee serves as an ICT manufacturer body that works with the FCC towards the goal of streamlining and clarifying the mechanisms of the FCC equipment certification processes and procedures. The TRPC's charter includes a directive to address issues relating to procedures and testing for product grant authorizations.

<sup>2</sup> See Industry Canada, Radio Frequency (RF) Exposure Compliance of Radiocommunication Apparatus (All Frequency Bands), RSP-102 Draft Issue 5 (Dec. 2012) ("RSS-102 Draft").

<sup>3</sup> See Mobile Manufacturers Forum, "What is the 'SAR Tick'?" (last visited March 1, 2013), available at <http://sartick.com/sar-tick.cfm>. The SAR Tick is a label included in user manuals which verify for the consumer that the product meets applicable national SAR limits, and indicates where specific maximum SAR values can be found in the user guide.

consumers. Based on this, TIA believes that there is not a necessity for supplementary spacing information after compliance testing confirms that SAR is satisfied at the compliance spacing. In response to these concerns, IC has responded that this rationale is also a requirement for the European market based on the European Committee for Electrotechnical Standardization's (CENELEC) *Product standard to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public (30 MHz - 6 GHz)*,<sup>4</sup> and that this requirement is also consistent with the Federal Communications Commission's (FCC) requirement for the rationale for the selection of the separation distance to be included in the SAR report ("FCC KDB 447498").<sup>5</sup>

We find no support for IC's position in either the FCC's KDB or the CENELEC testing procedure requirements. The procedures codified by KDB 447498 do not impose a requirement of a rationale on manufacturers. In fact, with regard to body-worn testing the KDB adds no requirements to previous testing procedures. The salient requirements are:

- "Body-worn accessory SAR compliance must be based on a single minimum *test separation distance* for all wireless and operating modes applicable to each body-worn accessories supplied with the host device. (KDB 447498, section 4.2.2(2) at 8,)
- "Specific information must be included in the operating manuals to enable users to select body-worn accessories that meet the minimum test separation distance requirements. Users must be fully informed of the operating requirements and restrictions . . . ." (KDB 447498, section 4.2.2(4) at 9.

No additional rationale is required.

Although the CENELEC requirement does articulate a need for a rationale, there is a significant distinction between such a requirement being imposed as a condition for meeting the standard and being imposed by Industry Canada as a condition for type approval. If Industry Canada imposes the requirement we would expect that the rationale would be evaluated and rejected if found wanting. Given that there are no guidelines in the draft for what would constitute an acceptable rationale, acceptability will turn on an exercise of discretion by Industry Canada. We believe that such an open-ended requirement is neither desirable nor necessary in this case. We note that an assessment of the quality of the rationale would not be part of the CENELEC procedure, which would look only to whether a rationale is provided. For that reason, there is a fundamental difference between the two requirements.

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<sup>4</sup> See [http://www.cenelec.eu/dyn/www/f?p=104:110:911254945724533:::FSP\\_PROJECT:22457](http://www.cenelec.eu/dyn/www/f?p=104:110:911254945724533:::FSP_PROJECT:22457).

<sup>5</sup> See <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=20676>.

For the foregoing reasons, we do not consider the either the CENELEC requirement or FCC KDB 447498 to constitute support for Industry Canada's proposed "rationale". Moreover, such a requirement is simply not needed. We, therefore, again request that IC remove the requirement from the draft. We urge your consideration of the above remaining concerns shared by the ICT manufacturer and supplier community, and encourage you to contact the undersigned for further information or with any concerns.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

By: /s/ Brian Scarpelli

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