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**By Electronic Delivery**

November 30, 2012

Attn: Dr. Rashmi Doshi  
Chief, Laboratory Division  
Office of Engineering and Technology  
Federal Communications Commission  
7435 Oakland Mills Rd.  
Columbia, MD 21046

**Re: *Request for Clarification of Market Surveillance Procedures in OET Bulletin 65 (Edition 97-01), Supplement C (Edition 01-01), titled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields”***

The Telecommunications Industry Association’s (“TIA”) Technical Regulatory Policy Committee (“TRPC”)<sup>1</sup> hereby submits this communication to the Federal Communications Commission’s (“Commission”) Office of Engineering and Technology Lab seeking a clarification on the procedures for pre- and post-market surveillance.

During a recent meeting between TIA’s TRPC and the Commission’s Office of Engineering and Technology Lab, Rashmi Doshi and Kwok Chan made comments regarding the FCC’s post-market surveillance procedures. Subsequent to the meeting, the TRPC participants discussed and reviewed these comments, and determined that further clarification is required.

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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 the preeminent ICT manufacturer partner with the FCC towards the goal of streamlining and clarifying the mechanisms of the FCC equipment certification processes and procedures.

The TRPC understands the language of the June 2001-released OET Bulletin 65 (Edition 97-01), Supplement C (Edition 01-01), titled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields,”<sup>2</sup> to govern the procedures for both pre- and post-market surveillance of products:

When pre-grant and post-grant samples are tested by the FCC, the Commission will give the applicant or grantee the benefit of the uncertainty for its measurements to establish compliance. A device will not be failed when it is measured above the limit by less than the uncertainty of the Commission’s measurement.<sup>3</sup>

Under the above long-standing procedure, the FCC has recognized the need – as an application of scientifically valid statistical methodology – to consider products measured within the uncertainty range of the FCC’s equipment as meeting the SAR limit.

The FCC has not published further guidance on the issue. There is no OET Lab Knowledge Database (“KDB”) Document revising the Supplement C approach and, and no direct changes to Supplement C have been made. The TRPC understands that the FCC Lab considers Supplement C to continue to be in effect and, therefore, that the surveillance procedures therein continue to represent current FCC procedures.

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<sup>2</sup> See OET Bulletin 65 (Edition 97-01), Supplement C (Edition 01-01), released June 2001, available at [http://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65c.pdf](http://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65c.pdf) (“Supplement C”).

<sup>3</sup> *Id.* at 51.

We therefore urge the OET Lab to consider the above-described industry consensus, and to provide clarification regarding pre- and post-market surveillance consistent with this understanding. Please contact the undersigned with any questions or concerns.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

By: /s/ Brian Scarpelli

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