

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
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)

**COMMENTS OF
THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

I. Introduction

The Telecommunications Industry Association (“TIA”) appreciates the opportunity to provide input regarding the Federal Communications Commission’s (“FCC” or “the Commission”) Public Notice (“PN”) seeking input on potential Commission regulations that could potentially be streamlined or revised. TIA represents over 400 manufacturers and suppliers of telecommunications equipment and services. TIA members design, produce, market, and manage the information communications technology (“ICT”) equipment and services that connect Americans to high-speed broadband networks. Our members are the manufacturers and vendors that must navigate through the Commission’s Equipment Authorization Program, and TIA wants to ensure the FCC reviews these rules as part of this streamlining effort. TIA believes that the Commission has an opportunity to effect meaningful reforms on its existing regulations in the Equipment Authorization Program that will directly impact both manufacturers and U.S. consumers.

II. Consumers and Industry Would Benefit from the Revision of the Commission's Existing Equipment Authorization Rules.

TIA strongly urges the Commission to undertake a comprehensive review of its existing regulations in its equipment authorization program. While the FCC's Equipment Authorization Program has seen significant improvements over the past 15 years, such as a successful delegation of certain functions to Telecommunications Certification Bodies ("TCBs"), there remain regulations that could be streamlined or eliminated altogether. The existing equipment authorization program regulations directly impact ICT devices and, in some cases, the cost of compliance with these rules significantly impacts market timelines and costs of devices sold directly to consumers. Therefore, TIA and its members believe that revisiting these regulations would have a substantial positive impact on both ICT manufacturers and vendors, as well as everyday U.S. consumers.

Given the evolving landscape of technology and consumer needs, it is crucial for the Commission to ensure that its regulations are efficient and effective. By revisiting and potentially revising the FCC's rules regarding electronic labeling, expanding the use of Suppliers Declaration of Conformity ("SDoC"), and modernizing rules for importing devices and conditional sales, the Commission can help reduce unnecessary burdens on manufacturers and vendors in ways TIA believes will ultimately benefit consumers through lower costs and improved access to innovative products. TIA stands ready to support the Commission in this endeavor, advocating for changes that will foster a more dynamic and responsive regulatory environment.

- a. *The FCC Should Review and Eliminate Outdated Requirements in its Regulations on Labeling*

The FCC should streamline its existing rules requiring labeling, both for labels on ICT products as well as for product boxes to be more in line with modern technologies and use cases. These rules directly impact manufacturers and consumers alike, as they significantly constrain the way ICT manufacturers can design and package devices and impact how consumers first experience and learn how to operate their newly purchased device. The Commission made significant progress towards updating its electronic labeling rules almost a decade ago in implementing the Enhance Labeling, Accessing, and Branding of Electronic Licenses Act of 2014 (“E-Label Act”). However, technology has progressed substantially since this Act was passed. Consumers are more accustomed to finding information about products online. For instance, the widespread adoption of Quick Response (“QR”) codes has led to more consumer familiarity with using QR codes to access information online. The FCC itself has recognized this through its current Cyber Trust Mark regulations, which would require products with a U.S. Cyber Trust Mark label to include a QR code to access security information for the product in order to efficiently “providing ‘consumers with detailed information about a device or product.’”¹

Given the advance of technology and consumer’s willingness to utilize QR codes, it is time for the Commission’s Office of Engineering Technology to continue the work started under the E-Labeling Act and do a significant review of existing labeling rules. This examination should be thorough and include the removal of outdated or redundant regulations. For those rules that remain, the Commission should allow manufacturers to comply via one QR code per box. This approach would simplify the labeling process, reduce unnecessary regulatory burdens, and

¹ Report and Order and Further Notice of Proposed Rulemaking, *Cybersecurity Labeling for Internet of Things*, PS Doc. No. 23-239, at PP 109 (Mar. 15, 2024).

enhance consumer access to important product information. Specifically, TIA and our members urge the Commission to review the following rules, though this list is not meant to be exhaustive:

- **§ 15.19 – Part 15 compliance statement.**
 - *TIA Feedback:* For devices that do not use e-labeling and do not have sufficient labeling space, the current rule requires the compliance statement to be on the device. It would be better for all devices without e-labeling to require the statement once in the manual or on the packaging, but not both. Although with requiring specific language about a device’s compliance with Part 15 on a device, the rule requires that if a device is too small, the statement must be given to the user twice on packaging and in the user manual. Given the modern use of QR codes, these compliance statements could be hosted online and linked by one QR code on device packaging.
- **§ 15.105 – User instructions about using digital devices.**
 - *TIA Feedback:* This rule requires either of two large blocks of text about operating unlicensed digital devices that can be deleted because they overlap with § 15.19.
- **§ 2.1077 – SDoC compliance statement.**
 - *TIA Feedback:* This rule requires an in-the-box or e-label listing of information about the device and responsible party, including the same statement required by § 15.19 of the rules. It is redundant, and therefore confusing, to replicate the § 15.19 requirement that already is required for all Part 15 devices, which includes all SDoC devices, and the other compliance information could easily be converted to digital labeling accessed via a QR code on the packaging.
 - b. *The FCC Should Expand the Use of SDoC and Telecommunications Certification Bodies (“TCBs”).*

As the TIA has commented on before, the Commission’s recent reforms to the Commission’s SDoC program have proven beneficial to the industry without compromising consumer safety.² In 2017, the Commission updated its requirements regarding SDoC and established a process that allowed for low-risk equipment to be self-approved via the SDoC process. These reforms have garnered support from both the industry and the testing community, and have been operating effectively and efficiently, demonstrating that self-approval for low-risk equipment is a viable and beneficial approach. TIA raised this in comments and reply comments

² See eg. Comments and Reply Comments of the Telecommunications Industry Association, Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program, ET Doc. No. 24-136.

the Equipment Authorization Program Notice of Proposed Rulemaking in 2024, and the record in that docket supported the work the Commission has done in streamlining the SDoC process.³ As the Commission seeks to revise its existing regulations to be more streamlined and efficient, TIA urges the Commission to take this opportunity to expand the use of the SDoC process to include additional low-risk devices. This expansion would further enhance the efficiency of the approval process, reduce the regulatory burden on manufacturers, accelerate the rate at which new innovations become available to U.S. consumers, and help promote U.S. technological leadership.

Furthermore, the Commission’s delegation of other testing and certification requirements to third-party TCBs, rather than relying solely on Commission labs, has been successful in increasing testing efficiency. This approach has allowed for more timely and effective testing without adding strain to government resources. TIA would urge the Commission to review its existing rules and regulations for additional testing requirements that could be further delegated to TCBs or eliminated altogether. One such area the Commission should review for reduction is the existing Pre-Approval Guidance (“PAG”) requirements. To the extent that the Commission feels the existing PAG regime is still necessary, there are steps that could streamline its process. For instance, TCBs should be allowed declarations as they do for software-defined radio and software security documents. TCBs should also be able to approve of PAG declarations without further Commission input, given that the Commission has already reviewed and approved of these exhibits before. The Commission could also further streamline its certification processes by moving all of its required declaration letters for a TCB submission into a single SDoC, rather

³ *Id.*

than requiring a certification that can act as a bottleneck and slow down the testing and certification process to the detriment of introduction of new innovations to U.S. consumers.

To enact these streamlining reforms, TIA would urge the Commission to review the following rules, although we do not believe this list is exhaustive:

- **§ 2.906 – Suppliers Declaration of Conformity.**
 - *TIA Feedback:* The Commission should look for ways to expand the use of SDoC.
 - **§ 2.964 – Pre-Approval Guidance Procedure for TCBs.**
 - *TIA Feedback:* The Commission should limit use of PAG to cases where absolutely necessary and empower TCBs to make more certifications and decisions, especially where the Commission has already reviewed manufacturers' exhibits.
- c. *The FCC Should Review its Existing Regulations on Import Conditions and Conditional Sales*

Finally, TIA urges the Commission to revise existing rules that unduly constrain the marketing and importation of innovative ICT equipment. Specifically, the Commission should increase the number of pre-certification devices that a manufacturer is allowed to import for marketing and demonstration purposes. This would facilitate the introduction of new technologies and products to the U.S. market, fostering innovation and growth within the ICT industry.

To revise existing barriers of new ICT devices in the U.S. market, we would urge the Commission to review the following regulation, although other regulations could also be considered for modification or deletion:

- **§ 2.1204 – Import conditions.**
 - *TIA Feedback:* This rule sets forth eleven separate, permissible reasons that RF devices can enter the country. The Commission should review these requirements and remove or at least streamline some of them.

III. Conclusion.

TIA would like to thank the Commission for this opportunity to provide input on much-needed reform and streamlining of some of the Commission's more technical and antiquated rules and regulations. TIA stands ready to assist the Commission as it continues its work on streamlining its requirements to the benefit of U.S. consumers and American leadership.

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