



Federal Communications Commission
Washington, D.C. 20554

March 23, 2017

Bethany Hackett
NVLAP Program Manager
Electromagnetic Compatibility & Telecommunications (ECT)
100 Bureau Drive, MS 2140
Gaithersburg, MD 20899

DA 17-275

ET Docket No. 16-313

Dear Ms. Hackett:

The Office of Engineering and Technology (OET) is pleased to inform you that the scope of recognition for the National Voluntary Accreditation Program (NVLAP)¹ has been expanded to include the accreditation of testing laboratories located in non-MRA countries, identified in your Request for Recognition, dated July 6, 2016,² that seek recognition by the Commission to perform testing of telecommunication equipment subject to the Commission's rules. It is the responsibility of the accreditation body to review the qualifications of a test laboratory's personnel, management systems, record keeping and reporting practices; to send recognized experts to observe testing at the laboratory; and to verify the testing laboratory's competence to perform tests in accordance with FCC-related measurement procedures.³

To perform compliance testing that is acceptable under our Declaration of Conformity (DoC) and Certification programs, a laboratory must be accredited by a body that the Commission has recognized as meeting our requirements for performing the accreditation of testing laboratories. There are two ways that we recognize the accreditation of laboratories. A laboratory can be designated to the FCC by a body under the terms of a Mutual Recognition Agreement (MRA), or it can be designated for FCC recognition by an accreditation body recognized pursuant to Section 2.949 of our rules.⁴ Your request for an expanded recognition was considered under the second path, because at the present time the United States does not have a telecommunications MRA with the countries in which you seek to accredit laboratories. Under this process, NVLAP must submit to the Commission's laboratory identifying information and other required information regarding its capabilities and expertise for each laboratory that it is accrediting under this

¹ The NIST NVLAP program was originally recognized by the Commission on May 9, 1996 to accredit testing laboratories. See *Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices*, ET Docket No. 95-19, Report and Order, 11 FCC Rcd 17915 (1996).

² The Request for Recognition and documentation in support of this request has been included in this docket file.

³ See *Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment and Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies*, ET Docket No. 13-44, Report and Order, 29 FCC Rcd 16335, 16353, para. 40 & n.121 (2014).

⁴ 47 C.F.R. §§ 2.948(f) and 2.949.

expanded scope; the Commission will review this information and decide whether to recognize the laboratory and to include it on a public list of accredited laboratories willing to perform testing for the general public.⁵

Section 2.949 of the Commission's rules sets forth the requirements for the recognition of laboratory accreditation bodies. An entity seeking to be recognized by the Commission as an accreditation body for test laboratories must demonstrate that it is compliant with the applicable International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) standards for recognizing such bodies and competent in assessing test laboratories that perform measurements in support of the applicable FCC technical regulations. The ISO/IEC standard used for recognizing accreditation bodies is ISO/IEC 17011, *Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies*. Accreditation of test laboratories is to be based on ISO/IEC standard 17025, *General requirements for the competence of testing and calibration laboratories*, and on the FCC requirements. OET has provided additional guidance in KDB Publication 974614 on the roles and responsibilities of the Commission's accredited testing laboratory program.⁶

To demonstrate the credentials and qualifications to expand NVLAP's current FCC recognition to perform accreditation of laboratories in non-MRA countries that test equipment to the Commission's requirements, NVLAP submitted information addressing the following requirements:

- (a) *Successful completion of an ISO/IEC 17011:2004, "Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies" peer review, such as being a signatory to an accreditation agreement that is acceptable to the Commission.* NVLAP has submitted evidence of compliance to ISO/IEC 17011 by participation in the APLAC, ILAC and IAAC MRAs and the successful completion of a peer review.⁷
- (b) *Experience with the accreditation of electromagnetic compatibility (EMC), radio and telecommunications testing laboratories to ISO/IEC 17025:2005, "General Requirements for the Competence of Testing and Calibration Laboratories."* Since NVLAP was recognized in May 1996 to accredit U.S. testing laboratories to test devices to the FCC requirements, their experience has been verified by OET staff that participated in multiple witness audits of EMC/Radio/Telecom testing laboratories.
- (c) *Accreditation personnel/assessors with specific technical experience on the Commission equipment authorization rules and requirements.* As NVLAP is currently recognized to accredit testing laboratories to the Commission's requirements, OET staff have participated in numerous witness audits of NVLAP assessing testing laboratories to

⁵ 47 C.F.R. § 2.948(c).

⁶ KDB Publication 974614 is available at <https://apps.fcc.gov/oetcf/kdb/index.cfm>.

⁷ Information about the Asia Pacific Laboratory Accreditation Cooperation (APLAC) MRA is available at https://www.aplac.org/aplac_mra.html. Information about the International Laboratory Accreditation Cooperation (ILAC) can be found at www.ilac.org. Information about the Inter American Accreditation Cooperation (IAAC) can be found at <http://www.iaac.org.mx/English/Index.php>.

perform FCC testing and NVLAP has submitted biographical summaries for each of their assessors who will assess testing laboratories to FCC requirements. The documentation submitted regarding the qualifications of accreditation personnel/assessors shows an adequate level of competency to perform assessments of testing laboratories to the FCC requirements

- (d) *Procedures and policies developed for the accreditation and designation of testing laboratories for FCC equipment authorization programs, including procedures for accrediting testing laboratories located outside of the United States, in countries that do not have an MRA with the United States.* NVLAP submitted an extensive list of procedures and policies that will be followed for test laboratories they assess.

Copies of these materials can be found as part of NVLAP's application materials, which were placed in ET Docket 16-313.

On October 5, 2016, we issued a Public Notice that sought comment on the qualifications and capabilities of NVLAP to accredit test laboratories and whether it meets our requirements for performing compliance testing.⁸ In response to the Public Notice, commenters supported expanding the recognition of NVLAP to permit it to perform the accreditation of testing laboratories located in the non-MRA countries it specified in its application.⁹

We do agree with the value of establishing MRAs and are continuing to work with other countries to reach agreements on the mutual recognition of accredited testing laboratories through the implementation of MRAs. For example, most recently, the United States Trade Representative (USTR) exchanged letters with the Government of Malaysia to implement the Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC Tel MRA). The Commission is continuing to establish MRAs with additional countries, and you should be aware that we may subsequently establish a telecom MRA between the United States and one or more of the countries for which you have been recognized. We note that if a telecom MRA is executed

⁸ See *OET Seeks Comment on Application by the National Voluntary Laboratory Accreditation Program (NVLAP) for Expanded Scope Recognition as a Laboratory Accreditation Body for Authority to Accredit Laboratories in Additional Countries*, DA 16-1139, Public Notice, 31 FCC Rcd 11005 (2016).

⁹ No comments addressed the specific capabilities of NVLAP to assess testing laboratories in non-MRA countries. The docket also includes comments that express concerns with the recognition of accreditation bodies to perform the accreditation of testing laboratories in countries where we do not have a MRA. See, e.g., Cisco Systems, EMC Technologies Pty Ltd, Fujitsu Australia Limited, and Panasonic Corporation of North America Comments. These comments were directed to a separate application by the American Association for Laboratory Accreditation (A2LA) that is also contained in ET Docket 16-313, and therefore do not directly implicate the NVLAP application. These comments raise general concerns about the recognition of laboratory accreditation bodies outside the MRA context and we note that the Commission has already addressed this matter, as such, these comments have no bearing on our analysis of NVLAP's application for expanded recognition to perform laboratory accreditations: See *Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, ET Docket 13-44, Memorandum Opinion and Order and Order on Reconsideration, 31 FCC Rcd 7426 (2016) (*EA Order*).

between the United States and a country for which you have been recognized, then the terms of the MRA will apply.¹⁰

The Commission's rules delegate authority to the Chief, OET, to make determinations regarding the acceptability of individual accrediting organizations to enter into agreements with them to perform accreditation of testing laboratories under the rules (47 C.F.R. § 0.241(f)). We have reviewed the information submitted by NVLAP for each of the four elements discussed above, and have determined that NVLAP has demonstrated the expertise to perform accreditation of testing laboratories that test equipment to the Commission's requirements in each of the countries requested. Further, our experience with NVLAP through its existing accreditation activities and the lack of any filings disputing its qualifications or competence further validate our finding. Therefore, OET grants NVLAP's request for expanded scope recognition. We will accept designations for FCC recognition of accredited testing laboratories to ISO/IEC 17025 performed by NVLAP as required by 47 C.F.R. § 2.948 for testing laboratories located in the non-MRA countries identified in your Request for Recognition, dated July 6, 2016.

To ensure the continued integrity of the laboratory accreditation program, OET will periodically review the accreditation process and maintain close coordination with each of the organizations that it has recognized to perform accreditations. OET will pursue opportunities to observe peer review assessments and to observe and participate in witness assessments of NVLAP to ensure that NVLAP continues to meet the Commission's criteria for recognition as an accreditation body.

Thank you for your cooperation during this evaluation process. For more information or questions please contact George Tannahill at (301) 362-3026, george.tannahill@fcc.gov.

Sincerely,

Julius Knapp
Chief
Office of Engineering and Technology

¹⁰ See 47 C.F.R. § 2.948(f)(2) (limiting laboratory accreditation under the Section 2.949 process to laboratories "located in a country that does not have an MRA with the United States.") See also *EA Order*, 31 FCC Rcd at 7429, para. 10.