



Equipment Authorization KDB 610077 Market Surveillance Overview

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Note: The views expressed in this presentation are those of the authors and may not necessarily represent the views of the Federal Communications Commission.



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TCB Post Market Surveillance

- FCC KDB 610077 provides Post Market Surveillance guidelines for TCBs
 - <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=20540&switch=P>
 - Attachment D01 provides detailed guidance
 - Last update June 26, 2015
 - Planned update to add template for annual surveillance report
 - April 26, 2022 update to D01 for template and new D02
 - 47CFR 2.962(g) requires TCBs to perform post market surveillance in accordance with ISO/IEC 17065
 - Market surveillance requires testing of the device
 - Review of label and user manual statements can be part of the surveillance but if no testing is performed, the activity can't be counted towards the TCBs annual market surveillance requirement.



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Sample Test Plan and Selection

● Sample Test Plan

- TCBs are required to have documented plan for successfully completing post market surveillance testing
 - This plan may be assessed by their Accrediting Body during their ISO/IEC 17065 assessment or by the FCC

● Sample Selection

- TCBs may only require samples for products that they authorized
- TCBs should have a sample selection plan to effectively assess the scope of products that they approve:
 - e.g., new technology, new test firm, product history, etc.



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Sample Rate

- Sample Rate-Based on total authorizations
 - 5% for EMC and Radio devices
 - Types of tested devices should be proportional to number of authorizations performed for each FCC scope
 - 2% for Telephone Terminal Equipment (if applicable)
 - Part 68 devices
 - Required for TCBs that approve TTE devices but not reports to FCC OET Lab
 - 1% for devices certified with RF Radiation Exposure Requirements (if applicable)
- Common Questions to FCC:
 - An authorization is defined as each Form 731 granted
 - Surveillance period is based on calendar year
 - Testing must be completed in surveillance year
 - Annual summary submitted to FCC within 31 days of end of surveillance period
 - FCC doesn't require devices tested for surveillance to be approved in the same year as the market surveillance



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Obtain Sample

● Obtain Sample by:

- Request to Grantee
 - Sample to TCB requirement applies even when grantee uses agent to work with TCB for authorization
 - TCBs are required to notify FCC when grantees refuse to provide sample or don't respond to request(s)
 - FCC may defer grantee code to prohibit future grants
 - FCC procedures allow some leeway for extenuating circumstance when sample can't be provided, e.g.,
 - Never manufactured and marketed
 - Production run of 10 or fewer devices
- Request Grantee provide voucher for TCB to obtain device from market
- Purchase a sample



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Evaluation

● Evaluation

- Device must be tested to count towards annual market surveillance testing requirement
 - Administrative only review cannot be counted as surveillance
- FCC doesn't require testing of every FCC requirement but does require TCB to test for requirements most likely to not comply
- Testing may be done at TCBs 17025 test facility or outsourced to an FCC recognized test facility
 - TCB fully responsible for outsourced testing
 - See ISO/IEC 17065 Section 6.2.2 for outsourcing requirements
 - Test results and product shall be compared with original grant
 - The surveillance process result shall be documented



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Follow Up Action for Non-Compliance

● Follow-up Action - Non-Compliance:

- Immediately notify FCC and grantee of any non-compliance found and work with grantee to resolve
 - FCC notification is via KDB inquiry
 - Notification should include details of non-compliance
- Within 30 days of TCB notification to FCC the TCB shall submit a follow up report to FCC specifying action taken and plan to resolve
 - TCB shall continue to work with grantee to resolve issue(s) and notify FCC when issue(s) resolved
 - If a determination is made by TCB that issue cannot be resolved the TCB shall notify the FCC via initial KDB Inquiry



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Follow up Action-Annual Report

- Follow-up Action–Annual Summary Report to FCC
 - Surveillance Period based on calendar year
 - January 1 through December 31
 - Surveillance report to FCC due 31 days after surveillance period ends
 - Report is a SUMMARY and not full test reports for all tested devices
 - Report should include:
 - Dates of surveillance period
 - Number of grants issued (EMC and SAR)
 - Number of devices tested (EMC and SAR)
 - Summary of devices tested (by FCCID and TC#), tests performed, non-compliances and information for the FCC to determine that the TCB met the KDB 610077 guidance
- FCC creating template for surveillance summary that will be new attachment D02 in publication 610077



KDB 610077- Related Considerations

- The FCC reviews each non-compliance report received from TCBs and determines appropriate action on a case-by-case basis
- Non-Compliances should be reported to FCC immediately and summarized in the annual report to FCC
 - Don't wait until January 31 to report non-compliances
- The FCC process allows TCBs some leeway to determine when a grantee is being non-responsive but as soon as the TCB determines a grantee is being non-responsive or unwilling to provide a sample, the FCC should be notified immediately
 - Don't wait until January 31 to report non-responsiveness



KDB 610077- Related Considerations II

- FCC Laboratory has updated test capabilities and equipment to improve surveillance capability for legacy and new technologies (CATR for testing 5G, Terahertz Test Setup)
- As part of the FCC audit, market surveillance testing or complaint investigation process the FCC may direct TCBs to request specific samples
 - These samples, if surveillance tested, can be counted towards the TCBs annual market surveillance requirements for the surveillance period in which the device was tested
- TCB failure to comply with market surveillance requirements potential consequences:
 - Corrective actions by TCB
 - Additional FCC Oversight
 - Additional assessment by accrediting bodies
 - Loss/suspension of FCC recognition



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Most Frequent FCC Market Surveillance Guidance

- TCBs should provide grantees clear guidance that a market surveillance sample may be required, when the TCB accepts the application at start of approval review process
- TCBs shouldn't wait until late in surveillance year to start requesting samples
 - Review number of grants throughout the year and evaluate if surveillance is on track for compliance
 - Review number of grants from prior surveillance years to identify trends for total annual grants and plan for annual growth (if applicable) so that an increase in December grants doesn't cause TCB to not test enough devices



TCB Council Surveillance Committee

- The TCB Council typically meets virtually the fourth Wednesday of every month to discuss market surveillance topics
- Discussion Topics include:
 - Best practices
 - Common issues
 - Recommendations to regulators to improve process
- Committee has draft guidance documents and an email group for exchanging information for group discussion



Questions and Answers

Thanks