



Update on Recent Compliance Matters

**TCB Workshop
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Recent Compliance Issues

- Several TCBs have had problems with grantees submitting Post Grant Surveillance Test Samples upon Request
 - Send email to easaudit@fcc.gov and we will resolve
 - If no immediate resolution move on to another sample to test
 - Remind applicants of their responsibilities at the onset



Surveillance Testing Refresher

- In adopting rules to streamline the Equipment Authorization Process and establish Telecommunications Bodies the FCC established guidelines for TCBs to conduct surveillance
- Current Procedure:
 - 5% of grants must be sampled
 - 1% of grants with RF safety
 - The Commission will send out letters in October regarding the requirement to submit surveillance report
 - Reminders are sent after 30 days
 - After second 30 days Accreditor is notified
 - PDF Format only for submitted information
 - Applicant must comply with TCB request for samples
 - TCB should advise applicants/grantees
 - It's a TCB Requirement to Perform Post Grant Testing



Surveillance Testing

- In order for the Commission to evaluate the TCB surveillance program, we ask that each TCB upload this information to the FCC web site within 30 days. The information provided should include:
 - 1) The date range that the surveillance report covers.
 - TCB needs to define their 12 month period
 - 2) The number of Certifications performed during the last year.
 - 3) The number and percentage of products subjected to surveillance testing and which were subject to RF Exposure requirements.
 - 4) The scope, FCCID and Form 731 confirmation number of each product.
 - 5) A description of how the 5% (and 1% if applicable) were selected and,
 - 6) A compliance/non-compliance summary.
- Please prepare this information as a PDF file and submit via the web by selecting the link Submit Surveillance Report after logging into the FCC TCB Electronic Filing Site.
- Surveillance testing needs to be completed in the reporting year
 - ie you can only report on testing that was completed



Surveillance Testing

- The Surveillance testing program is a requirement for Guide 65 compliance
- Grantees should be aware that they should have production samples available
 - TCBs should have a program to inform applicants/grantees at time of certification
- TCBs should have a test plan to ensure samples tested meet FCC surveillance requirements and the required samples are called in and properly tested.



Accreditation of Foreign Labs

- For DoC, test labs in the US must be accredited by A2LA or NVLAP; For test labs in a foreign country, the test lab must be accredited, designated to the FCC and recognized by the FCC in order to perform DoC testing for equipment marketed in the US.
 - The designating authority must be recognized by the FCC as part of a country-to-country MRA
 - Note: there is a public notice pending regarding recognizing a third US accreditation body: ACLASS.
 - In some parts of the world non accredited Labs are used for DoC
 - In some cases TCBs were asked to approve test data from non-accredited foreign TCBs for DoC. A TCB can not correct the issue of the lab not being accredited by reviewing and accepting the test report to issue a DoC.
 - If appropriate, a TCB may review and approve the device if permitted under certification
 - A TCB may re test if it is also an accredited Lab



New Changes to FCC Form 740

- Additional instructions
- Certification, DoC, and Verification will be attested using Part II box 1
- Two new exemptions included (Pt II box 9 and 10)
- Less restrictive about listing foreign manufacturer so long as responsible party is shown
- Should note that there are times where
 - No equipment authorization but 740
 - No 740 but EA
 - No EA or 740
 - Both are required



Compliance Issues

- Devices must comply with the letter of the Rule
 - Devices approved under 15.241 can only be used for medical telemetry equipment
 - Devices approved under 15.237 can only be used for auditory assistance
- Violations in FCC Confidentiality policy
 - Marketing device while short term confidentiality is active
 - Not notifying FCC when confidentiality is to be ended
 - We have treated these as Enforcement matters and passed on to the FCC Enforcement Bureau (Note: This is not a TCB review issue; for information only. This is a grantee issue)



Hearing Aid Compatibility Issues

- Applications often not complete with both M and T reports as required
- Test Report should include FCC ID
- Calibration Certificate missing
- Explanation for how reference input level was established
- Detailed explanation for the change is needed



Possible FCC Sanctions that Can Occur to Grantee/Applicant for Rule Violations

- Fines and Forfeitures
- Seizure of equipment (In rem)
- Revocation of FCC ID
 - < 30 days by staff
 - > 30 days by Commission
- Letter ordering grantee to cease marketing improperly approved equipment
- Letter of Admonishment
- Negotiated Agreement – Consent Decree



Sanctions for Others

- The prior slide are sanctions for Grantees/Applicants
- FCC may also investigate TCBs
 - Failure to properly review
 - Intentionally misleading applicants
 - TCBs that don't meet their responsibilities will be reported to accreditor and / or designating authority for consideration of their continued status as TCB or other sanctions



The END