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FEDERAL COMMUNICATIONS COMMISSION

DA 09-2049
September 14, 2009

**Office of Engineering and Technology Seeks Public Comments on
Qualifying Information for Recognizing Laboratory Accreditation Bodies
and ACLASS Application for Recognition**

ET Docket No. 09-161

Comments Date: October 14, 2009
Reply Comments Date: October 29, 2009

The Commission's rules provide for the approval of equipment under several different procedures, *i.e.*, Certification, Declaration of Conformity, and Verification.¹ For equipment subject to the Declaration of Conformity (DoC) procedure, the responsible party makes measurements to ensure that the equipment complies with the appropriate technical standards, but is not required to file this information with the Commission unless it is requested.² Such measurements of equipment that is authorized under the DoC procedure must be made by a test laboratory that is accredited consistent with the Commission's rules.³ Because the Commission is relying solely on the test laboratory to ensure that the testing is performed correctly, the Commission adopted an accreditation requirement to provide assurance that the test laboratory has the capability to do proper testing in compliance with the Commission's rules.⁴ The Commission's rules also require that Telecommunication Certification Bodies (TCBs), which are designated by the Commission to approve equipment on its behalf, be accredited as test laboratories consistent with the Commission's rules.⁵

Section 2.948 (d) of the Commission's rules sets forth the requirements for accreditation bodies and for test laboratories.⁶ An entity seeking to be recognized by the Commission as an accreditation body for test laboratories must demonstrate that it complies with applicable International Organization for

¹ 47 C.F.R. §2.901.

² 47 C.F.R. §2.906.

³ 47 C.F.R. §2.948 (a)(3).

⁴ See Report and Order in ET Docket No. 95-19, *Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices* 11 FCC Rcd 17915, 17932 (2006).

⁵ 47 C.F.R. §§ 2,960, 2.962 (c)(3). In addition to being accredited test laboratories, TCBs also have to satisfy other requirements to qualify and function as certifying bodies.

⁶ 47 C.F.R. § 2.948(d).

Standardization (ISO) and International Electrotechnical Commission (IEC) standards for recognizing such bodies and that it is competent in assessing test laboratories to perform measurements in support of the applicable FCC technical regulations. The current ISO/IEC standard used for recognizing accreditation bodies is ISO/IEC 17011, *Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies*, as indicated in 47 C.F.R. section 0.241.⁷ Accreditation of test laboratories pursuant to Section 2.948 (d) is to be based on ISO/IEC standard 17025, *General requirements for the competence of testing and calibration laboratories*, and to the FCC requirements. It is the responsibility of the accreditation body to review the qualifications of a test laboratory's test 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.

At the present time, two organizations located in the United States have been recognized as accrediting bodies to perform accreditation of test laboratories under the Commission's rules: the National Voluntary Laboratory Accreditation Program (NVLAP) and the American Association for Laboratory Accreditation (A2LA).⁸ In adopting these provisions and recognizing the two initial accrediting bodies, the Commission stated "allowing additional parties to accredit test laboratories will reduce the cost and time needed to obtain accreditation," and delegated authority to OET to recognize additional accrediting organizations and charged it with periodically reviewing the accreditation process "in order to ensure the integrity of the laboratory accreditation program."⁹

Based on its experience with the equipment authorization program and the test laboratory accreditation process, as well as the credentials and qualifications of NVLAP and A2LA, OET has identified a minimum set of qualifying information that an applicant who desires to be recognized by the Commission as a laboratory accreditation body would provide in support of its application. To demonstrate its credentials and qualifications to perform accreditation of laboratories that test equipment to FCC requirements, an applicant would provide, at a minimum, evidence of:

1. Successful completion of a ISO/IEC 17011 peer review, such as being a signatory to the International Laboratory Accreditation Cooperation (ILAC), the Asia Pacific Laboratory Accreditation Cooperation (APLAC) or other equivalent agreement;
2. Experience with the accreditation of electromagnetic compatibility (EMC), radio and telecom testing laboratories, such as by having OET staff participate in a witness audit of the accreditation body performing an assessment of an EMC testing laboratory;
3. Experience with accrediting testing laboratories to ISO/IEC 17025;
4. Accreditation personnel with specific experience on the FCC equipment authorization rules and requirements; and
5. Procedures and policies developed for accrediting testing laboratories for FCC programs.

Additional qualifying information may be appropriate to satisfy the primary objective of this process, *i.e.*, confidence that only test laboratories that have the capability to do proper testing in compliance with the Commission's rules are accredited. If OET determines that additional qualifying information is necessary, it will apply all applicable criteria in reviewing all applications for recognition as accreditation

⁷ ISO/IEC 17011 (2004) has replaced ISO/IEC 58, *Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition* which is specified in Section 2.948 (d).

⁸ See Report and Order in ET Docket No. 95-19, *supra* at 17932.

⁹ *Id.*

bodies, and in periodically reviewing the continued qualifications of those accreditation bodies that we recognize (including NVLAP and A2LA).

In order to ensure the integrity of the laboratory accreditation program, our staff will also periodically review the accreditation process and maintain close coordination with each of the organizations that have been recognized to perform accreditations, including NVLA and A2LA. This will help ensure their continued acceptable performance and also provide us with information to periodically assess their qualifications so that they may maintain their status. As part of this process, OET staff may participate in witness assessments in the future to evaluate the continued acceptability of the performance of the accreditation body in accrediting EMC testing laboratories to perform testing as required by the FCC rules.

OET invites comments on the minimum set of qualifying information described above that applicants should provide to be recognized as accreditation bodies of test laboratories under the Commission's rules. We also invite comment on (1) any additional qualifying information that should be required and useful in assessing prospective laboratory accreditation bodies, and (2) suggestions for a streamlined set of requirements and procedure that would facilitate the recognition of future additional laboratory accreditation bodies.

On March 28, 2008, ACLASS Accreditation Services (ACLASS), an ANSI-ASQ National Accreditation Board Company, filed a request with the Office of Engineering and Technology (OET) to be recognized by the Commission as an accreditation body that performs accreditation of test laboratories under the Commission's rules.¹⁰ ACLASS seeks to be an accreditation body for laboratories testing equipment for authorization under the DoC and TCB programs in Parts 2, 15 and 18 of the Commission's rules.

Information provided by ACLASS in support of its application has been included in the docket file. Additional information regarding ACLASS may be found on its website or by contacting it directly.

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OET invites comment on ACLASS's application to be recognized as an accreditation body of test laboratories under the Commission's rules. In particular, we invite comment on the qualifications and capabilities of ACLASS to accredit test laboratories that perform testing for EMC, radio, and telecommunications requirements under the Commission's rules, and whether ACLASS meets the minimum set of requirements described above. Parties who suggest additional qualifying information, as noted above, also should comment on whether ACLASS meets the suggested additional criteria.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System

¹⁰ The Commission's rules delegate authority to the Chief, OET to make determinations regarding the acceptability of individual accrediting organizations and to enter into agreements with them to perform accreditation of test laboratories under the rules. 47 C.F.R. § 0.241(f).

(ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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For more information or questions pertaining to this document, please contact George Tannahill at (301) 362-3026, george.tannahill@fcc.gov.

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