FR400 FCC - Overview of TCB Application and Certification Process at Element Materials Technology Portland-Evergreen Inc. (hereafter referred to as Element)

NOTICE: This description is for informational purposes only, and does not amend or modify the TCB / Client contract in any way.

1.0 Background

1.1 For years, transmitter manufacturers have been burdened by lengthy FCC processing times. The application process was so complex, that it often required an in-house expert to shepherd the transmitter through regulatory hurdles. Internationally, in comparison with other regulatory agencies, the FCC was becoming increasingly unique in its system of product authorizations. Eventually it was realized that the FCC certification process was not in harmony with international mutual recognition agreements (MRAs).

1.2 In response, the FCC devised an alternate authorization process that is intended to remedy these problems. In Docket 98-68 (12/17/98), Telecommunication Certification Bodies (TCBs) were introduced. Without replacing the existing FCC approval process, the new process uses private entities (designated by the FCC) to issue transmitter and telecom certifications. Manufacturers have the choice of using either the FCC or TCBs to certify products. TCBs function like the FCC by certifying a product based on the test results of one representative sample. The TCB authorization process also parallels the product certification processes in other countries – an essential step in the MRA process. The FCC rules governing TCB designation and operation are found in 47 CFR 2.960 and 2.962 (FCC rules can be downloaded at www.access.gpo.gov).

1.3 The initial group of TCBs were designated by the FCC on June 1, 2000.

1.4 The Innovation, Science and Economic Development Canada (ISED) rules governing Foreign Certification Bodies (FCBs) may be downloaded from http://strategis.ic.gc.ca/spectrum.

2.0 TCB Advantages

2.1 The TCB authorization process offers manufacturers more than one approval body to select from. TCBs provide a faster, more convenient option than the FCC’s authorization process. Competition between TCBs will keep costs low and processing times fast. The FCC anticipates they will be able to direct more resources towards enforcement. Ideally, if the FCC can provide adequate enforcement, the competitive playing field will be leveled against those who have been shortcutting the regulatory process.
3.0 TCB Activities

3.1 TCBs certify devices in accordance with FCC and/or ISED rules and policies. They will issue written grants of certification based upon applications that contain the same information currently required by FCC/ISED rules. The grantee remains responsible to the FCC/IC for compliance. All testing must be performed by an accredited FCC-recognized testing laboratory per 47 CFR 2.950(e). Testing may be performed by the TCB using internal resources, or outsourced (external) resources. Outsourced (external) resources may include a manufacturer's testing laboratory that is recognized by the FCC or an independent testing laboratory that is recognized by the FCC. The TCB is responsible for all evaluation activities performed by outsourced (external) resources. TCBs verify that all FCC labeling requirements are met, including the FCC ID. Upon successful review of the application, the TCB submits an electronic copy of the application and a completed Form 731 to the FCC; immediately, the FCC posts a TCB grant of equipment authorization on their website (www.fcc.gov/oet/). For marketing in Canada, after the application is submitted ISED's Certification and Engineering Bureau will record the details of the certification in the Radio Equipment List. TCBs can also approve permissive changes, regardless of who originally certified the equipment. The FCC and ISED require TCBs to perform post-market audits of equipment they certify.

3.2 Element is designated by NIST and recognized by the FCC as a Telecommunication Certification Body. Element and Element certification body are funded entirely by testing and certification activities.

3.3 The management of ELEMENT CB is committed to conducting certification activities in an impartial manner.

4.0 TCB Prohibitions

4.1 In accordance with the requirements in 47 CFR Part 2, a TCB shall not grant waivers of FCC rules, certify equipment where FCC rules do not apply, or act on rules that are unclear; shall not authorize a transfer of grantee control; and may not interpret the FCC rules.

4.2 All TCB actions are subject to regulatory review. In cases of dispute, the appropriate regulatory body (FCC or ISED Certification and Engineering Bureau) will be the final arbiter.
6.0 Scope of Accreditation

6.1 Element has been accredited by A2LA, designated NIST and recognized by the FCC as a Certification Body for the following products:

6.2 Unlicensed Radio Frequency Devices for FCC
- Low power transmitters operating on frequencies below 1 GHz (Excluding spread spectrum devices), emergency alert systems, unintentional radiators, and consumer ISM devices subject to certification.
- Low power transmitters operating on frequencies above 1 GHz (Excluding spread spectrum devices).
- Unlicensed personal communication systems.
- Unlicensed National Information Infrastructure devices and low power transmitters using spread spectrum techniques.

6.3 Licensed Radio Service Equipment for FCC
- Personal mobile radio services in 47 CFR parts 22 (cellular), 24, 25, 27
- General mobile radio services in 47 CFR parts 22 (non cellular), 73, 74, 90, 95, 97, and 101
- Maritime and Aviation Radio Services in 47 CFR parts 80 and 87
- Microwave Radio Services in 47 CFR Parts 25, 30, 74, 90, 95L, 95M, 96, 97, and 101.

7.0 Application Process

7.1.1 When a client contacts Element for services as a TCB, they are directed to the RFQ for transmitters on the Element website.
Once the RFQ is completed, the client can be quoted for testing and TCB certification. The quote is sent along with the following documents:

- FR400 FCC (Overview of TCB Application and Certification Process)

7.2 A member of the CB committee will review the client information to ensure that the requirements are clearly defined and understood and that the product falls under the scope and capability of the TCB. The CB committee member will also determine if the product is for original certification, an amendment to an existing certification, or a modification to an existing product, which may need re-evaluation. This review will enable the CB committee to direct to the client the appropriate materials for the type of certification or services desired. The following documents will be sent to the client:

- FR410 TCB and/or FR410 ISED Application Forms. (In addition to requesting company and product information, these documents also contain verbiage that constitutes our certification agreement. Items #27-31 of FR410 TCB and items #15-19 of FR410 ISED explain the rights and responsibilities of the applicant and the commitment of Element to act as a certification body under the authority of the FCC and/or ISED.)

The project will be set up on the Certification Tracking System and a list of required exhibits will be provided to the customer based on the type of product being assessed.

If a subcontractor is to be used for any of the product evaluation, the client will be informed and will sign an agreement for the work to be subcontracted.

7.3 After the client information package and quote are sent to the customer, the individual who will review the product application for grant is assigned. No members of the committee responsible for the review of the application may perform testing of the product or approve test reports for the product.

7.4 The client will be required to comply with the provisions of the certification program and abide by all points of the contract to which they have agreed. The client will not make claims regarding product certification which exceed the scope for which certification has been granted. Further, the client will not use its product certification in such a manner as to bring the certification body into disrepute.

7.5 For applications involving modifications of existing products, the CB committee will determine the extent of the re-evaluation necessary. Information previously provided to the FCC and/or ISED may be requested from the client.

8.0 Testing

8.1 Testing may take place at any test lab which has been accredited for the scope of the testing requirements. Test data is then provided to the certification committee for review and certification.

9.0 Review and Certification

9.1 Element uses a two step process for product approvals. The application is first reviewed to assess conformity with the applicable FCC rules and policies. Once all issues have been resolved, the reviewer will make a recommendation for approval to the certifier. The certifier will then confirm that all the necessary steps from our quality system have been followed and approve the application.
10.0 Grant of Certification

10.1 For marketing in the USA, the CB committee will upload a completed Form 731, all required exhibits, and any requests for confidentiality to the FCC’s TCB website. The FCC will immediately post a grant of certification on the FCC website. The rights and responsibilities pertaining to the certificate are explained in the CFR; the device may be marketed immediately upon posting of the grant of certification on the FCC website.

For marketing in Canada: the CB committee will upload all required exhibits and request for confidentiality to the ISED (strategis.gc.ca) website. The Certification and Engineering Bureau will record the details of the certification in the Radio Equipment List (REL); the device may be marketed upon publication in the REL.

10.2 The supplier may use the certification only to indicate compliance to specific standards, and shall not make reference to said certification in any misleading manner.

11.0 Complaints and Appeals

11.1 In the event that a customer or other party has a complaint or a disagreement with the findings of the certification body, the complaint or appeal may be filed with the certification body by informing the committee via written notification either email or letter. The letter must detail the portion of the evaluation and the finding in dispute. Three members of the certification committee shall consider the appeal and a formal written reply to the customer or other party shall be generated, detailing the finding and whether the original decision is upheld or overturned.

11.2 In the event the original decision is upheld, the customer or other party may elect to accept or reject the finding. If the finding is accepted, then the customer or other party may respond to the finding by providing the necessary information which would result in a positive certification decision. If the finding is rejected then the governing agency who granted authority to the certification body shall be arbitrator of the dispute and the decision made by that body shall decide the outcome.

12.0 Maintaining, Extending, Reducing, Suspending, and Withdrawing Certifications

12.1 Conditions for suspension or withdrawal of certification: In the case of the discovery and substantiation of a nonconformity of a product or documentation to certification requirements, whether through market surveillance or other means, Element CB shall take appropriated action as dictated by the governing agency with whom the certification is filed.

12.2 Certification decisions based on substantiated nonconformities with product requirements that arise outside surveillance activities shall be made on the basis of all information available regarding the substantiated nonconformity. In addition, personnel making these reviews and decisions shall not have been assigned nor performed any investigation tasks related to substantiating the nonconformity.

12.3 If certification is suspended or withdrawn the certification body shall notify the governing agency holding the certification and take actions specified by the certification scheme. The modification of and/or removal of public information is not controlled by Element CB. The affected governing agency must make the necessary removal or changes to public information upon recommendation by the certification body.

12.4 Conditions for maintaining, extending, and reducing certifications is not within the operating authority granted to certification bodies for wireless devices. The control of certifications after issuing a certification grant is in the hands of the governing body of the various nations granting Element CB authority of operate.
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