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June 15, 2026

The Honorable Brendan Carr  
Chairman  
Federal Communications Commission  
45 L Street NE. Washington, D.C. 20554

**Re: Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program (ET Docket No. 24-136; FCC 26-28; FR ID 345588)**

Dear Chairman Carr,

The Toy Association would like to thank the Federal Communications Commission (FCC, the Commission) for the opportunity to submit comments on the Second Further Notice of Proposed Rulemaking (Proposed Rule) proposing to cease recognition of test labs, Testing Certification Bodies (TCB), and laboratory accreditation bodies not covered under Mutual Recognition Agreements (MRA) or trade agreements. We respectfully offer this input on behalf of our members.

The Toy Association is the North American-based trade association; our membership includes more than 900+ businesses – from inventors and designers of toys to toy manufacturers and importers, retailers, and safety testing labs – all involved in bringing safe, fun toys and games to children within the global marketplace.

Indeed, toy safety is the number one priority for The Toy Association and its members. We have a long history of leadership in toy safety, working closely with industry partners, and federal and state policymakers and regulators. This is the heart of our industry: ensuring everyone has access to safe, affordable, and educational play. We have been global leaders in advancing toy safety for decades, including through our work on the ASTM F963 Toy Safety Standard. ASTM F963, as incorporated in the U.S. Code of Federal Regulations (16 CFR 1250) pursuant to the Consumer Product Safety Improvement Act (CPSIA), is recognized as one of the world's premier toy safety standards. Its comprehensive requirements have been emulated globally for toys and for several non-toy categories, and its consensus process ensures consideration of stakeholder viewpoints, innovation in product design and data-supported emerging hazards.

The Toy Association understands that TCBs would be largely unaffected by the proposed actions, since only 2 of the 67 TCBs are located in non-Reciprocal Economies<sup>1</sup>. For test labs however, the effect would be significantly greater<sup>2</sup>, and the following comments relate to that aspect of the Proposed Rule.

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<sup>1</sup> <https://markready.io/blog/fcc-bad-labs-vote>

<sup>2</sup> FCC estimates that 75 % of all electronics are currently tested in labs located in China <https://www.fcc.gov/news-events/blog/2025/04/30/building-fast-start>

## **Executive Summary**

The Toy Association recognizes the critical importance of the FCC's role in protecting data security and privacy for American consumers as well as in maintaining national security oversight. We support the Commission's ongoing actions to protect the integrity and security of electronic items entering the U.S. marketplace.

While the toy industry is not a primary user or importer of the types of electronic components that have either been identified as presenting national security concerns or would be vulnerable to actions from designated foreign adversaries, it is subject to the same FCC equipment authorization certification (FCC certification) requirements that apply to a broad and varied class of electronics, and as such will be directly impacted by the Proposed Rule. Many toys containing electronics that require FCC certification are closed-system standalone items that have no connectivity function and do not present the national security and/or data privacy vulnerabilities that FCC aims to address.

The Toy Association strongly supports the existing regulatory framework that helps to ensure the safety of toys, including comprehensive standards and regulations, as well as mandatory testing and certification to the requirements, for all toys to be sold in this country. Consistent with that commitment, we also support protective efforts to ensure the security of this nation. As such, we respectfully submit these comments with a request for the Commission to consider a balanced, risk-based approach that would support the national security objectives to restrict the influence of foreign adversarial entities on vulnerable systems and components, while applying regulatory burdens proportionally based on the relevant risk profile and minimizing economic disruption to industries that utilize lower-risk and no-risk electronic components.

## **Responses to FCC questions**

*Should the FCC prohibit the recognition of test labs, TCBs, or laboratory accreditation bodies that are located in, or that conduct testing, certification, or accreditation in, countries that lack an MRA or trade agreements that provide for reciprocity with the U.S. (non-Reciprocal Economies) and withdraw recognition of those test labs, TCBs, and laboratory accreditation bodies already recognized?*

If the Commission determines that such an action is necessary, The Toy Association requests that a measured withdrawal is considered. The proposed action does not allow responsible manufacturers of products which do not present the vulnerabilities of concern for national security to adapt to the revised regulatory environment and will create significant disruption to the U.S. toy industry as a result of the substantial operational restructuring required to move FCC certification activities to Reciprocal Economy test labs. The currently available testing and certification capacity at U.S. and Reciprocal Economy facilities is not able to manage the additional workload

without incurring significant FCC certification bottlenecks, increased testing and certification costs, and longer product development and market-entry timelines.

*Should such a prohibition also extend to any test lab, TCB, or laboratory accreditation body directly or indirectly owned by, controlled by, or subject to the jurisdiction or direction of a non-Reciprocal Economy?*

Since the FCC has already taken action to withdraw recognition for test laboratories that are controlled entirely or in part by foreign adversary entities (the 'Bad Labs' list)<sup>3</sup>, this response focuses on the question of test labs subject to the jurisdiction of a non-Reciprocal Economy.

We ask the Commission to evaluate whether the lack of an MRA (or similar trade agreement) alone is reliable as a basis for exclusion, in cases where the laboratory, certification or accreditation body operates under internationally recognized accreditation, is owned or operated by a U.S.- or Reciprocal Economy-headquartered entity and has a demonstrated compliance history with no identified or demonstrable enforcement integrity concerns.

*Are there other reasons that the Commission should or should not adopt these rules or any refinement of these proposed rules the Commission should consider?*

For the toy industry, many of the electronics components or products subject to FCC certification are not composed of, or do not include, components that can be used to exploit security or data vulnerabilities, utilizing instead only simple technologies such as basic radio control, low-complexity consumer transmitters and basic IC (integrated circuit) chips which operate below a frequency threshold that requires FCC certification. These technologies are unable to be used to process sensitive user data, do not provide or interface with network access, and do not interfere with critical communications infrastructure.

As such, restricting FCC certification to U.S. or Reciprocal Economy test labs for these product categories would not address national or data security concerns, yet would require manufacturers and importers of these products to operate through the same restricted channels to obtain the required FCC certification. The Toy Association asks the Commission to consider exemptions that would minimize the disproportionate regulatory burdens on manufacturers that produce low-risk products which do not present the same level of national security risk as other categories of equipment.

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<sup>3</sup> <https://www.fcc.gov/document/fcc-takes-action-bad-labs-apparently-controlled-china>

*Should the Commission clarify or modify its rules to address recognition of test labs from non-Reciprocal Economies?*

Additional transparency and clarification regarding the FCC's Office of Engineering and Technology (OET) recognition practices would improve predictability and reduce uncertainty for manufacturers, laboratories and accreditation organizations.

The Toy Association asks the Commission to consider clarification on the following:

- The legal and procedural basis framework that is applied for current recognition
- The criteria used to evaluate non-Reciprocal Economy facilities
- What differences, if any, exist between recognition pathways for testing laboratories and TCBs
- The role of accreditation bodies (e.g., ILAC and others) and international standards
- Any additional oversight measures currently in effect

*Should the Commission have a delayed implementation to facilitate industry's adjustment to the new rules? If so, how long should such a delay last? One year? Longer? Shorter?*

The Toy Association respectfully requests that the Commission considers and applies a delayed implementation that allows impacted consumer product industries time to adapt to the changing regulatory landscape and takes into account the additional capacity that would need to be implemented by the remaining U.S. and Reciprocal Economy test labs. This is especially important for those consumer product industries either without use, or with limited use, of electronics that contribute to the identified concerns — since the remaining capacity for FCC certification, at least until additional resources come online, will be taken up by larger telecommunications industry entities, increasing costs and delays which will disproportionately impact smaller businesses and industries during the transition period at a minimum, and potentially longer. The vast majority of the toy industry -- approximately 95% of U.S. toy manufacturers, wholesalers, and distributors -- are small businesses.

The Toy Association notes that the Proposed Rule does not specify a provisional time period for delayed implementation but instead leaves the question open to comment, with options including a one-year period, or longer or shorter than that<sup>4</sup>. This is significantly different from FCC guidance reporting on the Commission vote that was taken on April 30, 2026, which states that “Under this proposal, these labs would be phased out over two years after any final rules were adopted and implemented.”<sup>5</sup>. Even a two-year implementation timeline for the proposed action would not provide adequate time for all industries to transition under a complete restriction without incurring punitive costs and delays; any timeline less than that would compound those burdens further and prevent safe products from getting to market. As will be outlined in the following responses, The

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<sup>4</sup> FR Vol. 91, No. 94, p 27885

<sup>5</sup> News from the Federal Communications Commission, Apr 30, 2026 <https://docs.fcc.gov/public/attachments/DOC-421311A1.pdf>

Toy Association is respectfully asking the Commission to consider and adopt alternative measures which would be substantially less disruptive.

*Should the Commission additionally, or instead, phase out test labs, TCBs, and laboratory accreditation bodies in non-Reciprocal Economies as they come up for renewed recognition? Would this be a better way to handle a transition period to phase out non-Reciprocal Economies test labs than withdrawing recognition from all labs on a certain date?*

The Toy Association welcomes the Commission's consideration of a phased implementation that is tied to renewal cycles as an alternative to withdrawing recognition on a certain date. This would also allow the Commission to consider prioritizing renewal status based on compliance history, audit outcomes, and volume of FCC certification activity in addition to the national security concerns.

Additionally, if a phased approach is implemented, we ask the Commission to consider allowing for an initial, minimum buffer period to allow industry time to adjust, otherwise laboratories or TCBs whose recognitions are scheduled to expire shortly after the effective date of the new rules could face what is effectively immediate derecognition, undermining the purpose of a phased transition.

A phased implementation, along with visibility of when each facility would be affected, would allow facilities in the U.S. and Reciprocal Economies to build up FCC certification capacity, reduce the overall level of operational disruption and capacity bottlenecks by reducing the number of affected product categories and/or entities, and would allow affected industries to plan for and implement an orderly transition to the Commission's revised framework. The Toy Association welcomes the Commission's confirmation that if this alternative is considered, OET would be delegated to publish and update a list, which would provide visibility for industry and allow for proactive transition planning using an established framework.

*Could alternative measures be adopted to address the continued use of non-Reciprocal Economy test laboratories in the equipment authorization process prior to the implementation of the ultimate prohibition?*

The Commission could consider implementing alternative measures instead of the ultimate prohibition which would specifically address the technologies or issues of concern. This could include measures to determine whether existing recognized test labs in non-Reciprocal Economies can demonstrate good standing despite their geographical location, or allowing for exemptions for component types or product categories that use technologies with limited range, low output power and limited radiation emissions, or are demonstrably unable to present data or security vulnerabilities.

*Should the Commission add an additional fee corresponding with authorizing equipment that is tested in non-Reciprocal Economy test labs?*

The Toy Association is concerned that any such fee, even if tiered or otherwise modified, would disproportionately affect the toy industry and other smaller manufacturers, and likely result in increased consumer costs. If this alternative is considered by the Commission, The Toy Association respectfully requests that the FCC also considers in the assessment whether there is evidence that fee structures would materially influence behavior that is commensurate with the increased regulatory burden.

*Are there alternative approaches that the Commission could take prior to prohibition so as to mitigate the costs of transitioning to testing with United States or Reciprocal Economy test labs? Should the Commission require a more rigorous equipment authorization process for applicants that rely on non-Reciprocal Economy, which could, for instance, involve additional post-market surveillance or auditing?*

In addition to the alternative approaches outlined elsewhere in this document, the Commission could consider potential alternative measures, applied either individually or in combination to incentivize the use of U.S. and Reciprocal Economy test labs. These include increased surveillance auditing & additional reporting obligations for non-Reciprocal Economy labs, risk-based oversight measures, tiered recognition structures (such as allowing non-Reciprocal Economy labs to only carry out FCC certification for a restricted list of simple technology types that do not present security vulnerabilities), and non-penalty incentives for transitioning to U.S. and MRA-covered facilities.

## **Summary**

The Toy Association recognizes the FCC's critical role in ensuring robust national security and data protection. These comments are submitted for the Commission's consideration of a measured, risk-based approach that would support national security and data privacy concerns, differentiate high risk communications & networking equipment from lower-to-no risk consumer electronics, and apply regulatory burdens proportionately based on the risk profile of the relevant product categories. By applying a balanced and risk-based approach, the Commission can achieve the stated goals in a manner that presents a significantly reduced level of operational and economic impacts to the U.S. toy industry as well as other responsible economic operators than would be the case under a blanket ban. A bespoke approach would have the added benefit of building operational capacity for labs in the U.S. and Reciprocal Economy locations that would then allow for a measured transition without the supply chain bottlenecks and significant economic disruption that would occur to our members and other low-to-no risk industries under the proposed complete withdrawal of recognition by geographic region.

Thank you again for the opportunity to submit comments. If you have any questions about this letter, please feel free to contact Jos Huxley ([jhuxley@toyassociation.org](mailto:jhuxley@toyassociation.org)) for further information.

Sincerely,

A handwritten signature in black ink that reads "Joan Lawrence". The signature is written in a cursive, flowing style.

Joan Lawrence  
Senior Vice President, Standards & Regulatory Affairs  
[jlawrence@toyassociation.org](mailto:jlawrence@toyassociation.org)

**About The Toy Association and the toy industry:**

The Toy Association is the North American based trade association; our membership includes more than 900+ businesses – from inventors and designers of toys to toy manufacturers and importers, retailers, and safety testing labs – all involved in bringing safe, fun toys and games to children. The toy sector is a global industry of more than US\$90 billion annually, and our members account for more than half this amount.

Toy safety is the top priority for The Toy Association and its members. Since the 1930s, we have served as leaders in global toy safety efforts; in the 1970s we helped to create the first comprehensive toy safety standard, which was later adopted under the auspices of ASTM International as ASTM F963. The ASTM F963, as incorporated in the U.S. Code of Federal Regulations (16 CFR 1250), pursuant to the Consumer Product Safety Improvement Act (CPSIA), is recognized as one of the world's premier toy safety standards. Its comprehensive requirements have been emulated globally for toys and for several non-toy categories, and its consensus process ensures consideration of stakeholder viewpoints, innovation in product design, and data-supported emerging hazards.

The Toy Association is committed to working with legislators and regulators around the world to reduce barriers to trade and to achieve the international alignment and harmonization of risk-based standards that will provide a high level of confidence that toys from any source can be trusted as safe for use by children. Standards alignment assures open markets between nations to maximize product availability and choice.