



Telecommunications Industry Association

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September 14, 2018

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, C.A. 95814

RE: AB 1906 (Irwin) and SB 327 (Jackson) – Cybersecurity Framework for Connected Devices – Request for Veto

Dear Governor Brown:

The Telecommunications Industry Association (TIA) respectfully requests you to **veto AB 1906 and SB 327**. As the trade association representing the global manufacturers, vendors, and suppliers of information and communications technology (ICT) equipment and services, TIA and its members share the Legislature's goal of increasing the security of internet-connected devices. However, AB 1906 and SB 327 fail to do so and would harm manufacturers, consumers and businesses in the process. The bills have three basic flaws:

Patchwork applicability. By exempting devices "subject to security requirements under federal law, regulations, or guidance," the bills would foster a patchwork of regulations, confusing consumers' expectations of security across the range of IoT products they purchase. These gaps could create a false sense of security for consumers, competitively disadvantage California's IoT manufacturers, and have a negative impact on its broader economy. In addition, assigning liability to only a small subsection of IoT manufacturers and suppliers will result in disparate punishment of certain technologies over others and will encourage the purchase of cheaper, less secure products.

Failing to account for the context in which a device is used. The bills would require device manufacturers to include "reasonable security features," but what constitutes a "reasonable" or "appropriate" security feature depends on the context and purpose for which a device is being used. The same internet-connected device may be used for many different functions, or by different types of users, and thereby require significantly different levels of security. The responsibility to determine what features are reasonable and appropriate for a particular device must therefore be shared and contextualized within that device's ecosystem, not focused solely on the device's original manufacturer.

Ambiguous standards. The bills do not define what constitutes "reasonable security features" except to state that such features must be "appropriate." Such terms will effectively cast trial attorneys in the role of engineers who must define technical compliance standards through progressive litigation.

TIA urges California to focus instead on implementing processes that drive companies to compete on security, collaborate on best practices, and promote collaborative, adaptive, and holistic risk management of the IoT ecosystem. Since these bills do not promote those goals, we respectfully request that you veto A.B. 1906 and S.B. 327.

Sincerely,

A handwritten signature in black ink, appearing to read "Cinnamon Rogers", written over a white background.

Cinnamon Rogers
Senior Vice President, Government Affairs
Telecommunications Industry Association (TIA)

Cc: The Honorable Hannah-Beth Jackson, The Honorable Jacqui Irwin
Tom Dyer, Chief Deputy Legislative Secretary, Office of Governor Edmund G. Brown, Jr.