

U.S. Consumer Product Safety Commission



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“Overview of the Consumer Product Safety System in the USA”

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U.S. Consumer Product Safety Commission (CPSC)

- An independent federal agency
- Established May 1973
- Responsible for Consumer Product Safety functions of the Federal Government
- Commissioners appointed by the President and confirmed by the Senate

Consumer Product

“... any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...”²



**U.S. Consumer Product
Safety Commission**



² Section 3(a)(1) of the Consumer Product Safety Act, 15 U.S.C. § 2052 (a)(1)

Imported Products Are Essential for the U.S. Economy and Represent Important Revenue for the Exporting Economy

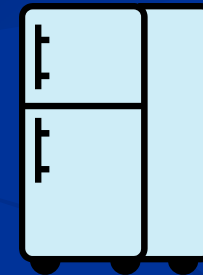
- U.S. Consumer Product Safety Commission
- Department of Transportation
- Department of Commerce
- Environmental Protection Agency
- Department of Agriculture

Imported Products Are Essential for the U.S. Economy and Represent Important Revenue for the Exporting Economy.

- U.S. Food and Drug Administration
- Department of Homeland Security
- Federal Communications Commission
- Department of Energy
- Others

Laws That Give CPSC Authority Over Consumer Products Whether Made in USA or Imported

- Consumer Product Safety Act
- Federal Hazardous Substances Act
- Flammable Fabrics Act
- Poison Prevention Packaging Act
- Pool and Spa Safety Act
- Children's Gasoline Burn Prevention Act
- Refrigerator Safety Act



Basic Responsibility

Manufacturers, distributors and retailers

all equally responsible and liable under the acts⁴ (but common carriers are specifically excluded)⁵

⁴ Section 15 (b) of the Consumer Product Safety Act, 15 U.S.C. § 2064(b)

⁵ Section 3 (b) of the Consumer Product Safety Act, 15 U.S.C. § 2052(b)

Importer and Manufacturer Responsibilities

- Under the Consumer Product Safety Act, the term “manufacturer” is defined to include any person who imports a consumer product.
- **Importers**, although reliant on foreign producers, are **directly responsible** for the safety of products they bring into the United States.

Voluntary and Mandatory Standards

Product Safety Standards

- CPSC statutes set a preference for consensus voluntary private sector standards
- Private sector consensus voluntary standards are often developed with the participation of CPSC staff

Primary Voluntary Standard Development Coordinators for Consumer Products

- ANSI (American National Standards Institute)
 - Motorized Equipment
 - Lawn & Garden Equipment
 - Household Products
 - Safety Labeling
- ASTM International (formerly American Society for Testing and Materials)
 - Children's Products
 - Recreational Products

Primary Voluntary Standard Development Coordinators for Consumer Products

NFPA (National Fire Protection Association)

- Electrical
- Fire Suppression (sprinklers, fire extinguishers)
- Fueled Devices

Underwriters Laboratories (UL)

- Electrical and other products

Voluntary Standards

In some cases, failure to comply with a consensus (voluntary) standard makes a product defective and creates a substantial hazard.

Example: Hair Dryers

This hair dryer does not have an appliance leakage current interrupter (ALCI) plug. It presents a risk of electrocution if dropped in water.

CPSC will seek a recall.



Importance of Using U.S. Mandatory and Voluntary Standards

- To avoid entry problems with the U.S. Government (Customs and CPSC) and recalls due to serious product hazards, successful manufacturers comply with BOTH:
 - CPSC Regulations (mandatory standards)
 - Private sector standards (voluntary standards)
- Both play essential safety roles

CPSA – Imported Products

- Sec. 17 (a)(1)
 - Any consumer product offered for importation into the customs territory of the United States shall be refused admission into such customs territory if such product—
 - (1) fails to comply with an applicable consumer product safety rule.**
 - (4) has a product defect which constitutes substantial product hazard.

Communicating Specifications

- Importers and manufacturers must have a clear understanding of *exactly* which standards need to be met
- Foreign manufacturers/suppliers should insist on a list of which mandatory and consensus standards apply
- Specify consensus standards and other safety requirements

Market Surveillance

Surveillance Activities

- Retail Surveillance
- Import Surveillance
- Internet Surveillance

Retail Surveillance

- Compliance Office issues program plan for regulated products
- Some plans involve State government officials (for example, pharmacy inspections)
- Field investigators collected over 3000 samples in Fiscal Year 2007
- Recall effectiveness checks

Import Surveillance

Import Surveillance Division

- Established in 2008
- Investigators stationed at major ports
- Collect samples of imported products and coordinate safety programs with U.S. Customs

ITDS/ACE



- CPSC is now a “*participating agency*” in the International Trade Data System (ITDS)/ Automated Commercial Environment (ACE)
- This tool gives qualified CPSC staff access to much better *information for targeting* unsafe consumer products
- CPSC has already used the system to find unsafe products that would not have been identified in prior years



Internet Surveillance

- Compliance staff checks for conformity of regulated products being sold on the world wide web
- Staff checks for recalled products being sold at auction sites, such as eBay
- Staff checks for availability of products and purchase suspect products



Reporting Requirements

Reporting

- Importers must report to the CPSC immediately if they learn that one of their products does not comply with a mandatory standard or contains a defect that could present a substantial product hazard.

Reporting

- Failure to comply with a mandatory standard or ban under other laws administered by the CPSC may constitute a reportable defect
- Failure to meet consensus voluntary standards may make a product defective and require a report to CPSC

Reporting Wisely

- *Don't* assume that an incident without injury means there's no problem
- *Do* evaluate product failures to determine what could have occurred in worst case
- *Don't* wait to finish exhaustive investigation before telling CPSC

Corrective Action

Corrective Action

- The CPSA provides for three remedies in the case of the recall of a product that creates a *substantial product hazard*¹⁰:
 - **Repair**
 - **Replacement**
 - **Refund of purchase price**

¹⁰ 15 U.S.C. § 2064(d)

Corrective Action

- Not every safety issue requires a recall, but it is important to learn from mistakes and prevent the same problems from happening again

What Can You Do to Ensure the Safety of Your Product?

- Safety Consciousness
- Specifications (standards)
- Required and Voluntary Certifications
 - Testing
- Market Surveillance

Safety Consciousness

- Do your homework – know exactly which standards apply to your product
 - Mandatory standards are the bare minimum
 - Consensus standards will help avoid trouble
- Learn the safety issues *before* you make a deal, not after!
 - Use the information from CPSC website
 - Sign up to receive notice of CPSC recalls
 - Talk to experts in the field

Mandatory and Voluntary Standards

- To avoid entry problems with the U.S. Government (Customs and CPSC) and recalls due to serious product hazards, successful manufacturers comply with BOTH:
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Required Certifications

- Expanded General Conformity Certification
- New Third Party Testing/Certification Requirements for Children's products

Voluntary Third-Party Certification

- Certification by an independent third party is meaningful in many settings
- CPSC takes certification into account in sampling products for testing (e.g., AFSL-tested fireworks are considered more likely to be compliant)
- Failure to comply with consensus standards can create problems in product liability suits
- Consumers recognize and buy safer products

Testing

- Even when testing is not mandated by CPSC, importers and suppliers should make sure that products meet all voluntary and mandatory standards at a minimum
- To avoid problems, samples should be tested randomly, early and often
- The cost of testing is a tiny fraction of the costs associated with recalls and violations

Market Surveillance

- Make sure you have a system for keeping track of consumer complaints involving products in which you trade
- Pay attention to information from the CPSC Clearinghouse [www.cpsc.gov] and reports from your retailers
- Early identification of problems can avoid bigger problems

**What if a product hazard
is discovered?**

**Long term cost exceeds the
cost of immediate recall**

**Long Term Repercussions:
Damage to Brand Name and
“Made in My Country”**

Preventive Action

- Preventive action is better than corrective action, for everyone
- Importer / Supplier must work as a team. Everyone wins or everyone loses.

Resources Available for Manufacturers

HANDBOOK FOR MANUFACTURING SAFER CONSUMER PRODUCTS



U.S. Consumer Product Safety Commission

July 2006

This document has been prepared by Commission staff, has not been reviewed or approved by, and may not reflect the views of, the Commission.

制造 更安全消费品 手册



美国消费品安全委员会

2006年7月

本文件由委员会工作人员撰写，未经委员会审议或者批准，不一定代表委员会的观点。

Handbook Overview

The Handbook identifies the essential elements of industrial systems for manufacturing safe consumer products.

- Section I - Defines the purpose of the Handbook and its applicability.
- Section II - Relates to executive action.
- Section III - Discusses technical concepts.

Applicability of the Handbook

The contents are intended for voluntary implementation by industry, except for those that are statutory by virtue of being established in product safety standards and rules, in accordance with the statutes governing CPSC.

New Requirements

- New requirements result from Consumer Product Safety Improvement Act of 2008 (“CPSIA”)
- President Bush signed sweeping revision of consumer product safety laws on August 14, 2008
- Date signed becomes the key to many of the effective dates in the law

Section 102: Mandatory and Third Party Testing for Certain Children's Products

Increases Product Testing in Two Major Ways:

- General Conformity Certification
- Third party testing requirement

General Conformity Certification

- Certificate required with each shipment
- Certificate states compliance with all relevant CPSC requirements (rules, bans, standards, regulations), i.e.:

Requirements for Electrically Operated Articles for Use by Children (16 CFR Part 1505)

General Conformity Certification

- Dramatically expands the current self-certification requirement
- Before CPSIA, only consumer products subject to a safety standard under the Consumer Product Safety Act had this requirement – now, any requirement under CPSC jurisdiction
- Effective date is November 12, 2008

General Conformity Certification

- Certification must be based on a test of each product or on a reasonable testing program

General Conformity Certification

- Important to focus not only on specific products, but also product categories with certain attributes e.g. painted parts (lead paint):
 - toy components,
 - product housings/casings

General Conformity Certification

- Products without certificate cannot be imported or distributed in commerce in the United States
- Certificate must accompany the product or product shipment and must be available to CPSC and U.S. Customs on request.
- Violation can result in civil and criminal penalties
- U.S. government can order product destroyed if it violates CPSC requirements

Section 102: Mandatory and Third Party Testing for Certain Children's Products

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Third Party Testing Requirement

- Children's products will require testing by an independent "Conformity Assessment Body" (*lab*)
- Children's product: Intended or designed for children 12 years old and younger
- No exceptions in the law for type of "children's product"
- Testing required for certain cross-cutting attributes: lead, small parts

Third Party Testing Requirement

- Also testing for conformity by product type, i.e.: cribs, children's metal jewelry, children's bike helmets, children's clothing, etc.
- Third-party testing requirement becomes effective for different standards over time, based on schedule for CPSC issuing lab accreditation requirements
- Mandatory for products made 90 days + after date accreditation requirements are announced. Accreditation requirements not-later-than dates:

Third Party Testing Requirement

CPSC Lab Accreditation Information Dates

- Painted products (for lead paint), September 2008
- Cribs, October 2008
- Pacifiers, October 2008
- Products with small parts, November 2008
- Children's products (not metal jewelry) subject to 300 ppm lead content limit, May 2009
- Children's metal jewelry, December 2008
- Baby bouncers, walkers, jumpers, etc., March 2009

Third Party Testing Requirement

CPSC Lab Accreditation Information Dates

- All other CPSC children's product safety rules,
e.g.:
 - ASTM F063-07 Toy Standards
 - Children's Sleepwear
 - Electrically Operated Articles for Use by
Children

June 2009

Third Party Testing Requirement

- Certificates showing evidence of testing by an accredited lab must be in English
- May be in an additional language
- Include manufacturer name, date and place of manufacturing, name of person maintaining test results
- Include testing laboratory name, date, and place of testing

Lab Accreditation for Lead Paint Test

- Staff recommend to Commissioners: Recognize accreditation by organizations within ILAC agreement - ISO 17025
- Only the Commission can accredit laboratories controlled by the manufacturer of the children's product in question (*"firewalled labs"*)
- These labs must meet certain additional conditions
- Labs with government control or investment must also meet additional conditions specified in the law
- CPSC has authority to suspend or terminate a laboratory's accreditation in appropriate circumstances.

Lab Accreditation for Lead Paint Test

CPSC recognizes lots of information needed by industry quickly

- CPSC will maintain an up-to-date list of accredited labs on its web site www.cpsc.gov
- CPSC providing accreditation registration process
- If Commission determines insufficient number of labs accredited, deadline for certification to child safety requirement may be extended by 60 days maximum

Labeling Requirement for Children's Products

CPSIA requires new labeling for children's products whether toys, clothes, electrical, etc.

- Requires distinguishing marks on product and packaging to enable purchaser to ascertain source, date, and cohort (including the batch, run number, or other identifying characteristic) of production of product by reference to marks
- Effective August 14, 2009

Advertising, Labeling, Packaging Representation

Beginning October 13, 2008

- Advertising, labels, or packaging for a consumer product will be prohibited from containing a reference to a consumer product safety rule or voluntary standard unless the product conforms with the applicable requirements of the rule or standard.

Phthalates

Beginning February 10, 2009

- Unlawful to manufacture for sale or to sell any children's toy or child care article that contains concentrations of more than 0.1% of DEHP, DBP and BBP.
- Interim prohibition on manufacture or sale of children's toy that can be placed in a child's mouth or child care article that contains concentrations of more than 0.1% of DINP, DIDP, DnOP.

Registration Cards

Effective after CPSC issues the required regulation, August 2009:

- Manufacturers of durable infant products or toddler products will be required to provide consumers with postage-paid product registration forms solely for the purpose of recall or safety alert notification

Definition: Durable Nursery Products

Intended for use by children under age 5, including:

- Full-size cribs and non full-size cribs
- Toddler beds
- High chairs
- Play yards
- Stationary activity centers
- Infant carriers
- Strollers

Definition: Durable Nursery Products

Intended for use by children under age 5, including:

- Booster chairs, hook on chairs
- Bath seats
- Gates and other enclosures for confining a child
- Walkers
- Swings
- Bassinets
- Cradles

Summary of Key New Requirements

- ASTM F963-07 Toy Standards become mandatory February 10, 2009
- General Conformity Certification for all products with federal safety requirements under CPSC jurisdiction effective November 12, 2008
- Third party testing requirement for all children's products -- specific products or with certain attributes -- on a phased-in schedule of effective dates, beginning with lead paint, 90 days after CPSC publishes lab accreditations requirements

Summary of Key New Requirements

- Certification – whether self-certification or third party -- must accompany product or product shipment and must be available to CPSC and U.S. Customs on request
- Violation can result in civil and criminal penalties
- U.S. government can order product destroyed if it violates CPSC requirements
- Lab accreditation guidelines for lead paint testing, other testing at CPSC web site

Summary of Key New Requirements

- New tracking label requirements for children's products goes into effect in August 2009
- Watch CPSC Web Site for Information on Implementation of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”)

www.cpsc.gov

New U.S. Certification, Testing, Other Requirements and Helpful Reminders - Microsoft Internet Explorer provided by US CPSC

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Do you export consumer products to the United States? Do you import consumer products to the United States?

你们出口消费品到美国吗？你们进口消费品到美国吗？

New Certification, Testing, Other Requirements and Helpful Reminders

新的认证, 测试和其他规定以及有益的提醒

[Form for Foreign Governments and Distributors to Contact CPSC's International Office](#)
国际项目和政府事务向美国以外的消费品供应商及政府官员征求意见表格

Watch this webpage for regular updates on new requirements that may impact consumer products sold in the United States.

对于可能影响在美国市场上出售的消费品销售的新规定将经常更新, 详细请查看此网页.

Start 6 Microsoft Office ... Nord Talking Points ... Microsoft PowerPoint ... CPSCnet - Microsoft ... New U.S. Certificati... 8:14 AM

<http://www.cpsc.gov/businfo/intl/newusreq.html>



**美国消费品安全委员会国际项目和政府事务部
向美国以外的消费品供应商及政府官员征求意见表格**

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