

U.S. Consumer Product Safety Commission

美国消费品安全委员会



This presentation has not been reviewed or approved by the Commission and may not reflect its views

Consumer Products Exported to the United States who is Responsible for Safety?



出口到美国的消费品的安全由谁负责?

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**Imported Products Are
Essential for the U.S. Economy
and Represent Important Revenue for the
Exporting Economy
But Know the Rules
Before You Agree on the Order!**

进口产品对美国经济必不可缺,同时也是出口经济的重要收入来源,但您在下订单之前,有必要知道规则.

- U.S. Consumer Product Safety Commission
美国消费品安全委员会
- Department of Transportation 美国交通部
- Department of Commerce 美国商务部
- Environmental Protection Agency 美国国家环境保护局
- Department of Agriculture 美国农业部

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- U.S. Food and Drug Administration 美国食品药品监督管理局
- Department of Homeland Security 美国国土安全部
- Federal Communications Commission 美国联邦通讯委员会
- Department of Energy 美国能源部
- Others 其他部门

What does the CPSC do?

美国消费品安全委员会职责



U.S. Consumer Product Safety Commission (CPSC)

美国消费品安全委员会

- An independent federal agency 独立的联邦机构
- Established May 1973 1973年5月成立
- Responsible for Consumer Product Safety functions of the Federal Government
行使联邦政府负责消费品安全的职能
- Three Commissioners, appointed by the President and confirmed by the Senate
三名由总统任命, 美国国会参议院批准的委员会委员

Will You Be Trading in Any of 15,000 Types of Consumer Products?

您打算经销15,000种消费品中的任何一种产品吗？

“... 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

“任何出产或批发的产品，或产品部件，(i)出售给消费者在永久或临时家庭或住所，学校内或附近使用，目的在于娱乐，或其它，(ii)消费者在永久或临时家庭或住所，学校内或附近个人使用，消费或欣赏，目的在于娱乐，或其它...” (2)



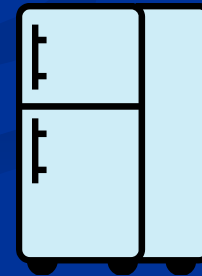
² Section 3(a)(1) of the Consumer Product Safety Act, 15 U.S.C. § 2052 (a)(1)

2 [消费品安全法案]第三条(a)(1)， [美国法典]15卷 § 2052(a)(1)

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

授权美国消费品安全委员会管辖美国制造或进口消
费产品的法律

- Consumer Product Safety Act (CPSA)
[消费品安全法案]
- Federal Hazardous Substances Act (FHSA)
[联邦危险物品法案]
- Flammable Fabrics Act (FFA)
[可燃纺织品法案]
- Poison Prevention Packaging Act (PPPA)
[危险物品包装法案]
- Refrigerator Safety Act (RSA)
[冰箱安全法案]



Basic Responsibility

基本职责

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

根据法案(4)制造商,批发商和零售商均承担同等责任和义务(但普通消费品携带者除外)(5)

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

(4) [消费品安全法案]第十五条(b), [美国法典]15卷 § 2064(b)

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

(5) [消费品安全法案]第三条(b), [美国法典]15卷 § 2052(b)

Importer and Manufacturer Responsibilities

进口商和制造商的责任范围

- Under the Consumer Product Safety Act, the term “manufacturer” is defined to include any person who imports a consumer product.
- 根据[消费品安全法案],名词 “制造商” 的定义包括任何进口消费品者
- **Importers**, although reliant on foreign producers, are **directly responsible** for the safety of products they bring into the United States.
- 进口商, 尽管产品来源依赖外国厂商,但对将产品进口到美国市场的产品安全负有直接责任.

Potential Legislative Changes*

法案可能出现的变动*

- Mandatory certification and testing for certain classes of products

对某些类别产品的强制性认证和测试

- Traceability for imported products, down to sub-contractors

追踪进口产品的来龙去脉,直至间接承包商

- Easier information sharing between CPSC and foreign government regulators

美国消费品安全委员会与外国法规制订者之间更方便的信息分享

***Legislation still pending**

*法案仍在讨论中

Voluntary and Mandatory Standards

自愿和强制性的标准

Product Safety Standards

产品安全标准

- CPSC statutes set a preference for consensus voluntary private sector standards

美国消费品安全委员会的法规优先考虑私人企业一致同意的自愿性标准。

- Private sector consensus voluntary standards are often developed with the participation of CPSC staff

- 私营企业一致同意的自愿性标准的制订过程往往有美国消费品安全委员会工作人员参与。

Primary Voluntary Standard Development Coordinators for Consumer Products

推动制订消费品自愿性标准的基本协调者

- ANSI (American National Standards Institute)
美国国家标准学会
- Motorized Equipment 装有马达的设备
- Lawn & Garden Equipment 整修草坪和花园的设备
- Household Products 整修草坪和花园的设备
- Safety Labeling 安全标签
- ASTM International (formerly American Society for Testing and Materials)
美国材料试验国际协会(前身美国材料试验协会)
- Children's Products 儿童产品
- Recreational Products 娱乐产品

Primary Voluntary Standard Development Coordinators for Consumer Products

推动制订消费品自愿性标准的基本协调者

NFPA (National Fire Protection Association)

美国全国消防协会

- Electrical 电器
- Fire Suppression (sprinklers, fire extinguishers)
灭火 (喷水器, 灭火器)
- Fueled Devices 装有燃料的器械

Underwriters Laboratories (UL)

美国保险商实验室

- Electrical and other products 电器和其它产品

Voluntary Standards

自愿性标准

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

在某些情况下,如果没有遵循一致同意的(自愿性)标准,产品将被视为瑕疵产品,构成实质性的危险.

Example: Hair Dryers

例子: 吹风机

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

此吹风机未设置漏电短路器(ALCI)插头, 如掉落水中, 使用者可能遭受电击危险.

CPSC will seek a recall.

美国消费品安全委员会因此召回此产品。



Importance of Using U.S. Mandatory and Voluntary Standards

遵循美国强制性或自愿性标准的重要性

- To avoid entry problems with the U.S. Government (Customs and CPSC), manufacturers SHOULD comply with BOTH:

为避免产品入关时,在美国政府机构(海关或美国消费品安全委员)处遇到麻烦,制造商应该遵循下述两点要求:

- CPSC Regulations (mandatory standards)
遵循美国消费品安全委员会的规则(强制性标准)
 - Private sector standards (voluntary standards)
遵循私营企业领域的标准(自愿性标准)
- Both play essential safety roles
两点要求均是保证产品安全的要素

CPSA – Imported Products

[消费品安全法案]: 进口产品

- Sec. 17 (a)(1) 第十七条(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—
任何进入美国海关的消费品如果发现有下列情况，将被拒绝入关：

(1) fails to comply with an applicable consumer product safety rule.

(1) 未遵守现行的消费品安全规则。

(4) has a product defect which constitutes substantial product hazard.

(4) 产品被发现有构成危险的瑕疵。

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

如何保证产品安全？

- Safety Consciousness
 - 安全意识
- Specifications (standards)
 - 明确规定(标准)
 - Certification
 - 认证
 - Testing
 - 测试
- Market Surveillance
 - 市场监督

HANDBOOK FOR MANUFACTURING SAFER CONSUMER PRODUCTS



U.S. Consumer Product Safety Commission

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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

手册概况

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

手册为工业系统指出了制造安全消费品的要素

- Section I - Defines the purpose of the Handbook and its applicability.

第一部分 手册的目的与适用范围

- Section II - Relates to executive action.

第二部分 行政措施

- Section III - Discusses technical concepts.

第三部分 技术概念讨论

Applicability of the Handbook

手册的适用范围

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.

除了根据美国消费品安全委员会法规所制订的产品安全标准和规则之外,手册内容由工业界自愿执行.

Safety Consciousness

安全意识

- Do your homework – know exactly which standards apply to your product
事先做研究– 确切知道您生产的产品必须符合的标准
 - Mandatory standards are the bare minimum
强制性标准是必须符合的最基本标准
 - Consensus standards will help avoid trouble
符合一致同意的标准可以为您免去麻烦

- Learn the safety issues *before* you make a deal, not after!
您在签定订单前,而不是之后清楚了解安全问题!
 - Use the information from CPSC website
从美国消费品安全委员会的网址上获得相关信息
 - Sign up to receive notice of CPSC recalls
登记自动接收美国消费品安全委员会的产品召回通知
 - Talk to experts in the field
与相关领域的专家探讨



US Consumer Product Safety Commission

▶ Consumer Safety

▶ About CPSC

▶ Library - FOIA

▶ Business

For New Certification, Testing and Other Requirements:

新的认证, 测试以及其他要求:

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

ANSI Standards Portal

美国国家标准学会标准网站

To access many, but not all, U.S. Standards:

绝大多数(虽然不包括全部)的美国认可的标准,可查阅:

<http://www.standardsportal.org/>

Communicating Specifications

关于如何沟通的规定

- Importers and manufacturers must have a clear understanding of *exactly* which standards need to be met
- 进口商和制造商必须确切地了解必须符合何种标准
- Foreign manufacturers/suppliers should insist on a list of which mandatory and consensus standards apply
- 外国制造商/供应商应该坚持要求得到一份他们必须遵循的强制性和一致同意的标准的清单
- Specify consensus standards and other safety requirements
- 明确指出一致同意的标准和其他安全要求

Some Products Require Certification

某些产品需要认证

- Section 14 of the Consumer Product Safety Act requires certification of some consumer products
[消费品安全法案]第十四条规定某些消费产品需要认证
- Under this law, which dates from 1972, the term “certification” has a different meaning than it does in recent international usage
根据1972年通过的相关法案, 名词“认证”和现行国际社会认可的用法有不同的意义
- Certification under section 14 is more like a “supplier’s declaration of conformity”
第十四条上的认证更多地可以被视作是“供应商愿意遵守合格规定的声明”

Which CPSC Standards Currently Require Certification?

目前哪些美国消费品安全委员会的标准需要认证?

- Section 1202 matchbooks 第1202 条款 火柴手工书
- Section 1203 bicycle helmets 第1203 条款 自行车头盔
- Section 1205 walk-behind power lawn mowers
第1205 条款 手扶电动割草机
- Section 1210 cigarette lighters 第1210 条款 香烟打火机
- Section 1212 multipurpose lighters
第1212 条款 多用途打火机
- Section 1213 bunk beds 第1213 条款 木制双层床
- Section 1633 mattresses 第1633 条款 弹簧床垫
- Others 其它
- More in the future possible – stay current!
- 今后将有更多的产品需要认证—请关心最新情况!

Expansion of Mandatory Certification Is Likely

强制性认证的范围可能扩大

Bills pending in Congress could make certification requirements applicable to other products, **particularly toys**, and would require 3rd party lab to confirm certification

美国国会正在讨论的法案可能将需要认证的产品的范围扩大到其它产品,尤其是玩具,并且将规定由第三方实验室确信认证.

Other Certification Requirements

其它认证要求

- Third-party certification may be required by others for imported products, even if not required by the federal government.
即使美国联邦政府并不要求,任何方面对进口产品都可以提出第三方认证的要求.
- For example, some States require certification of electrical products by recognized organizations like UL, CSA, ETL
譬如,某些州政府要求认证电器产品符合被承认的机构所认可的标准,如UL, CSA, ETL
- Retailers may require certification for certain products they sell
譬如,某些州政府要求认证电器产品符合被承认的机构所认可的标准,如UL, CSA, ETL

Voluntary Third-Party Certification

自愿性的第三方认证

- Certification by an independent third party is meaningful in many settings
在很多情况下, 独立的第三方认证具有重要意义
- CPSC takes certification into account in sampling products for testing (e.g., AFSL-tested fireworks are considered more likely to be compliant)
美国消费品安全委员会将产品抽检测试因素考虑在内
(譬如, 美国烟花标准试验室对烟花的测试被认为更可接受)
- Failure to comply with consensus standards can create problems in product liability suits
如果产品未能符合一致同意的标准会遇到可能被起诉负有责任的麻烦
- Consumers recognize and buy safer products
消费者承认和购买更安全的产品

Testing

测试

- Importers and suppliers should make sure that products meet all CPSC standards at a minimum
进口商和供应商必须保证产品符合美国消费品安全委员会定出的最基本标准
- To avoid problems, samples should be tested randomly, early and often
为避免麻烦,产品样品必须尽早和经常地随机抽检
- The cost of testing is a tiny fraction of the costs associated with recalls and violations
测试的花费与产品被召回或违反规定相比较只是很少部分的花费

Market Surveillance

市场监督

- Make sure you have a system for keeping track of consumer complaints involving products in which you trade

配备一套追踪消费者对您经销的产品的抱怨记录的系统

- Pay attention to information from the CPSC Clearinghouse [www.cpsc.gov] and reports from your retailers

查阅美国消费品安全委员会数据交换中心 [www.cpsc.gov] 上的资料以及您从零售商那里得到的回馈报告

- Early identification of problems can avoid bigger problems

尽早发现问题将使得您避免遇到更大的麻烦

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

假如发现产品构成危险如何处理？

Reporting 报告

- Importers must report to the CPSC immediately if they learn that one of their products does not comply with a mandatory standard or ban under the Consumer Product Safety Act

进口商如果得知他们经手的产品不符合[消费品安全法案]规定的强制性标准或是被禁止的产品, 必须立即向美国消费品安全委员会报告.

Reporting

报告

- Failure to comply with a mandatory standard or ban under other laws administered by the CPSC may constitute a reportable defect
不符合美国消费品安全委员会其他法规所规定的强制性标准或是被禁止的产品, 必须报告.
- Failure to meet consensus voluntary standards may make a product defective and require a report to CPSC
不符合一致同意的标准的产品被视为是有瑕疵产品, 必须向美国消费品安全委员会报告.

Reporting Wisely

明智地报告

- *Don't* assume that an incident without injury means there's no problem
- 不要认为发生事故的产品没有构成伤害就没有问题
- *Do* evaluate product failures to determine what could have occurred in worst case
- 一定要评估出现问题的产品,以确定该产品可能出现的最坏情况
- *Don't* wait to finish exhaustive investigation before telling CPSC
- 不要等到完成详细调查之后才向美国消费品安全委员会报告

Corrective Action

纠正措施

- The CPSA provides for three remedies in the case of the recall of a product that creates a *substantial product hazard*¹⁰:
- [消费品安全法案]对因构成实质性危险而被召回的产品提出了三种补救办法:(10)
 - **Repair** 修理
 - **Replacement** 替换
 - **Refund of purchase price**
按产品售出时的价格退钱

¹⁰ 15 U.S.C. § 2064(d)

(10) 美国法典15卷 § 2064(d)

Corrective Action

纠正措施

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

并不是每一件有安全问题的产品都会被召回,但是从错误中学习,防止今后发生问题至关重要.

Long term cost exceeds the cost of immediate recall

问题长期积累而造成的花费超过产品立即被召回的花费

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

长期后果：对产品品牌和确“我国制造”的产品所造成的声誉损失

Preventive Action

防止措施

- Preventive action is better than corrective action, for everyone
- 对所有人来说, 防止措施胜过纠正措施
- Importer / Supplier must work as a team. Everyone wins or everyone loses.
- 进口商/供应商应该是一个团队, 是赢是输对双方同等重要.

Questions?

有问题吗?

Office of International Programs

**Laurie Hopkins, International
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美国消费品安全委员会
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