

# CPSC Compliance Guide

Webinar: March 26, 2010



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# Which Requirements Apply?

- Do you make a “children’s product” ?
- What CPSC mandatory standards apply?
- Is your product subject to any voluntary standards?
- Does the product design incorporate the latest information on safety?

# What *Is* a “Children’s Product”?

- Congress defined the term “children’s product” as a *consumer product* that is designed or intended *primarily* for children *12 years* of age and younger

# Interpreting “Children’s Product”

Factors CPSC *must* consider:

- (1) A statement or marking by the *manufacturer*, but only *if reasonable*
- (2) whether the product is represented as appropriate for children under 13 in its *packaging, advertising*, etc.
- (3) whether the product is “*commonly recognized*” as intended for children under 13
- (4) CPSC’s Age Determination Guidelines

# Staff Guidance

- The CPSC staff has developed guidance to help identify “children’s products”
- The staff briefed the Commission on the proposed guidance yesterday (March 24). You can watch the presentation on our web site.
- The Commission may issue the proposal for comment as soon as next week.

# What Requirements Apply to Children's Products?

- For children's products, there are three CPSC requirements that *generally* apply:
  1. CPSIA section 101 *lead content* limits
  2. CPSIA section 102 *certification* must be based on testing by recognized *third party test labs*
  3. CPSIA section 103 *tracking label* requirements apply to product and packaging

# Lead Content Limits

## CPSIA section 101

- 300 parts per million (ppm) limit applies to all *accessible* components of children's products, effective 8/14/2009
- CPSC issued guidance on determining whether a part is accessible in August 2009
- The Commission has approved higher limits for certain electronic parts
- To date, the Commission has not granted any other exclusions from the lead limits

# Lead “Determinations”

- The determinations identify materials whose lead content *will not exceed 100 ppm*
- Apply primarily to *natural* materials, such as dyed and undyed textiles (cotton, wool), wood (and paper), precious and semiprecious stones
- Do *not* include *metal or plastic fasteners* such as buttons, screws, grommets or zippers used in apparel or elsewhere
- *Final rule* issued August 2009 [[link](#)]; explanatory Statement of Policy issued October 2009 [[link](#)]



# Certification

## CPSIA section 102

- Most consumer products that are subject to mandatory standards or bans must be *certified* as in compliance with each applicable requirement
  - Products made in the USA: *manufacturer* must certify
  - Products made elsewhere: *importer* must certify
- *Children's products* must be certified based on testing by a *recognized third-party* test lab
- This requirement is being phased in (more later)

# Certification to Lead Limits

- Most children's products do not have to be certified to the lead content limits yet; they will have to be certified if they are *manufactured after 2/10/2011*
- EXCEPTION: items of *children's metal jewelry* must be certified to the 300 ppm lead content limit if they are manufactured after 8/14/2009

# Finding a “Recognized” Lab

- To issue a valid certificate, you must be sure that testing is performed by a *recognized* third party test lab; not all accredited labs are recognized
- All recognized labs are *listed on CPSC’s website* with their *approved scope*; a lab may be approved by CPSC for one standard but not another
- You can also search for recognized labs nearest your location

# Tracking Labels

## CPSIA section 103

- Children's products manufactured on or after 8/14/2009 must have permanent distinguishing marks on the *product and packaging* “to the extent practicable”
- *Manufacturers and importers* are responsible
- Marks must allow consumers to *ascertain*:
  - The manufacturer or private labeler
  - The date and place of production
  - Cohort information

# Tracking Label Guidance

- *Statement of Policy* issued July 2009 [[link](#)]
- Interprets basic requirements such as when product or packaging should be marked, how permanent marks should be, how specific dates and places of manufacture should be
- Does not require all information on one label
- No size or font requirements
- Does not require creation of batch or lot system, but you need some method of tracking parts

# How to Find CPSIA Information

- Step 1: get to CPSC's home page:  
[www.CPSC.gov](http://www.CPSC.gov)
- Step 2: find the “CPSIA flag banner”—look for “Consumer Product Safety Improvement Act” with a star and USA flag background in the upper middle of the home page (marked with red arrows on the next slide but the arrows do not appear on the actual web site)

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MP3/Podcasts | RSS | Safety Tips | Videos/Webcasts | Wireless | 中文 / Tiếng Việt

# Consumer Product Safety Improvement Act

**Breaking News**  
→ [Generation 2 Worldwide & ChildESIGNS Drop Side Cribs Recalled: Three Infant Deaths Reported](#)

**Recalls and Product Safety News**  
Help keep your family safe by checking product recalls and safety news from CPSC

**Neighborhood Safety Network (Español)**  
Help all Americans become aware of lifesaving safety information

**Report an Unsafe Product**  
Report an incident with a product that caused an injury. Medical Professionals and Fire/Police Investigators: file MECAP, incident reports.

**Product Safety Standards**  
Find a [product safety standard](#). View product safety [voluntary standards activities](#) and [research reports](#) for selected consumer products.

**Sign Up for Email Announcements (Español)**  
Get free recall and safety news by email as part of CPSC's "Drive for 1 Million" campaign.

**CPSC Publications**  
View and order CPSC publications on a wide variety of consumer safety issues.

- Recent Recalls**
- [Pull Toys](#)
  - [Strollers](#)
  - [Wind Chime Toys](#)
  - [Lamps \(Español\)](#)
  - [Drop Side Cribs \(Español\)](#)



- What's Hot**
- [Schylling Associates: \\$200,000 Civil Penalty for Violation of Lead Paint Ban, Failure to Report](#)
  - [Report to Congress on the Consumer Product Safety Improvement Act \(CPSIA\) \(pdf\)](#)
  - [CPSC Chairman's Statement on Cadmium in Children's Products](#)

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- WHAT'S POPULAR
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- PUBLIC CALENDAR
- JOBS AT CPSC
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- CONSUMER OPINION FORUM

- CPSC's Most Wanted:**
- [MEGA Brands Magnetic Toys](#)
  - [Delta Cribs \(Safety Peg\)](#)
  - [Stork Craft Cribs](#)
  - [Simplicity Bassinets](#)
  - [Dorel Asia Cribs](#)
  - [Kolcraft Play Yards](#)



**On Safety**

- YouTube
- Twitter
- Podcast
- Flickr

Additional Web Sites Maintained by CPSC

- [PoolSafety.gov](#)
- [www.Recalls.gov](#)
- [ATVSafety.gov](#)
- CPSC Info Centers
- Resale/Thrift Stores
- [Drywall \(Español\)](#)
- [Cribs \(Español\)](#)
- [Generators](#)
- [USA.gov](#)

# The “about CPSIA” page

- Step 3: click on the CPSIA Banner—it will open up a new page “about CPSIA” (see next slide)





# US Consumer Product Safety Commission

Consumer Safety About CPSC Library - FOIA Business

[CPSC Home](#) > [About CPSC](#) > [CPSIA](#) > Current

## Consumer Product Safety Improvement Act

### Sign up for Email Alerts

Receive **e-mails** regarding due dates, announcements, and other information from CPSC.

### CPSIA Legislation

Read the CPSIA **legislation** (and other CPSC statutes as amended), or view by **section**

### Small Businesses

Find information on the CPSIA for **small businesses** and **resale stores & product resellers** (pdf).

### General Certification of

### Contents

- [What's New](#)
- [CPSIA by Topic](#)
- [Learn More](#)

### What's New

- Requirements for Consumer Registration of Durable Infant or Toddler Product; Correction to Final Rule, February 1, 2010 [\[PDF\]](#)
- Guidelines and Requirements for Mandatory Recall Notices, FINAL RULE, January 21, 2010 [\[Text\]](#) [\[PDF\]](#)
- [Report to Congress on the Consumer Product Safety Improvement Act \(CPSIA\)](#), January 15, 2010 (PDF) (Links to Commissioners' Statements are at the end of the report)

### CPSIA by Topic

- [All-Terrain Vehicles \(ATVs\)](#)
- [Phthalates](#)

# Finding CPSIA Information

- Step 4: on the new page, locate the CPSIA Banner and right below it, find
  - [CPSIA by Topic](#)
- Step 5: click on “CPSIA by Topic”: this will bring you to an alphabetical list of topics (see next slide)

**resale stores & product resellers** (pdf).

### General Certification of Conformity

**Learn** about a sample, instructions, and frequently asked questions (pdf).

### Laboratory Accreditation

**Read** about the Accreditation requirements, **register** as a third-party laboratory, or **view** a list of accredited testing laboratories.

**XML** Subscribe to a **RSS feed** about the CPSIA

Find CPSC Regulatory Notices and Requests for Comments on **regulations.gov**

## CPSIA by Topic

- [All-Terrain Vehicles \(ATVs\)](#)
- [Durable Nursery Products](#)
- [Effectiveness of CPSC's Authority over Unsafe Consumer Product Imports](#)
- [Enforcement by State Attorneys General](#)
- [Import Safety and Interagency Cooperation](#)
- [Labeling of Toys and Games](#)
- [Laboratory Inspection & Supply Chains](#)
- [Lead](#)
- [Penalties](#)
- [Phthalates](#)
- [Preemption](#)
- [Preventable Injuries and Deaths in Minority Children](#)
- [Public Database](#)
- [Recall Authority/Corrective Action](#)
- [Stockpiling](#)
- [Toy Safety Standards](#)
- [Third Party Testing](#)
- [Tracking Labels](#)
- [Whistleblower Protections](#)

## Learn More

- ➔ [CPSC Public Workshop: CPSIA Product Testing](#), December 10 - 11, 2009
- ➔ [Required Actions Pursuant to the Consumer Product Safety Improvement Act of 2008 - Timeline](#) [PDF]
- ➔ [Definition of 'Children's Product'](#)
- ➔ [Letter from Acting Chairman Nord to Representative John D. Dingell about the](#)

Click to add notes

# Finding CPSIA Information

- Step 6: click on “**Lead**” – this will open a new page with all of the available information on CPSIA lead content and lead paint limits (see next slide)



## US Consumer Product Safety Commission

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# Consumer Product Safety Improvement Act

## Section 101. Children's Products Containing Lead; Lead Paint Rule

- [Brief Summary](#)
- [Open Requests for Comments and Information](#)
- [Commissioners' Statements](#)
- [Federal Register Notices](#)
- [Frequently Asked Questions \(FAQs\)](#)
- [General Counsel Advisory Opinions](#)
- [Requests for Exclusions](#)
- [Public Comments](#)
- [Public Meetings](#)
- [Records of Commission Action, Ballot Votes, and Staff Briefing Packages](#)
- [Requirements and Guidelines](#)
- [Staff Presentations](#)
- [Stays of Enforcement](#)
- [Test Procedures](#)

### Brief Summary

The CPSIA lowers the amount of lead that can be in children's products. Section 101 sets new limits for the lead content in children's products and the amount of lead in the paint used on those products.

### Lead Content Limits

The limits on the amount of lead in children's products are phased in over the course of three years. By February 10, 2009, products designed or intended primarily for children 12 and younger may not contain more than 600 ppm of lead. Children's products that

# Checking CPSC Website for Labs

- From the home page, click on the CPSC banner to get to the “about CPSIA” page (slide 16 here)
- Notice the seven *green boxes* along the left side of the page
- Find the fifth green box from the top, which says “Laboratory Accreditation”
- Click on the yellow word “view”—this will open a new page (see next slide)

## List of Accredited Testing Laboratories

Section 14(a)(3)(E) of the Consumer Product Safety Act, as amended, requires the Commission to "maintain on its Internet website an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules."

Third party testing is required to support a certification of compliance to the rules shown below for children's products that are manufactured after the effective dates listed with each rule. The laboratories in this list have been accepted as accredited to test products to one or more of these children's product safety rules, as identified in the accreditation scope for each laboratory. A manufacturer of a children's product that must comply with one or more of these rules must support its certification of compliance with test results from one of these laboratories.

- Bicycle Helmets, 16 CFR Part 1203 (effective date 02/10/2010)
- Lead Paint, 16 CFR Part 1303 (effective date 12/21/2008)
- Dive Sticks and Other Similar Articles, 16 CFR Part 1500.86(a)(7) and (8) (effective date 02/10/2010)
- Full-Size Cribs, 16 CFR Part 1508 (effective date 01/20/2009)
- Non Full-Size Cribs, 16 CFR Part 1509 (effective date 01/20/2009)
- Rattles, 16 CFR Part 1510 (effective date 02/10/2010)
- Pacifiers, 16 CFR Part 1511 (effective date 01/20/2009)
- Bicycles, 16 CFR Part 1512 (effective date 05/17/2010)
- Bunk Beds , 16 CFR Part 1513 (effective date 02/10/2010)
- Small Parts Rule, 16 CFR Part 1501 (effective date 02/15/2009)
- Lead Content in Children's Metal Jewelry, [Test Method CPSC-CH-E1001-08](#) or [2005 CPSC Laboratory SOP](#) (effective date 03/23/2009)
- Lead Content in Children's Metal Products, [Test Method CPSC-CH-E1001-08](#) (effective date 02/10/2011)
- Lead Content in Children's Non-Metal Products, [Test Method CPSC-CH-E1002-08](#) (effective date 02/10/2011)

Accreditation requirements and effective dates for third party testing for additional children's product safety rules will be added in the future. The list of laboratories below will be updated on a regular basis.

A. E. Kirby Memorial Health Center  
A.N.C.I. Servizi S.r.l. Section C.I.M.A.C. Centro Italiano Materiali di Applicazione Calzaturiera  
ACT lab  
ACT Lab Taicang  
Advanced Chemical Co. Laboratory

# Finding Recognized Test Labs

- By scrolling through the list, you can find all the labs that have been recognized for various types of tests.
- Click on a lab name and you can learn more details about its location, contact info and what tests it is recognized to do [“its *scope*”]
- On the lower half of the page, you can also search for recognized labs that are nearest you



# Which Requirements Apply?

- Do you make a “children’s product” ?
- **What CPSC mandatory standards apply to your product?**
- Is your product subject to any voluntary standards?
- Does the product design incorporate the latest information on safety?

# What Mandatory Standards Apply?

- Is your product a children's article or furniture bearing *paint or similar surface coating*?
- Is it intended for babies or children *under 36 months* of age?
- Is it a “*child care article*” for children under 4?
- Is it a *durable nursery product* for children under 5?
- Is your product a *toy*?
- Is it *clothing or children's sleepwear*?

# Limit for Lead in Paint

## CPSIA section 101(f)

- 90 ppm limit took effect on 8/14/09
- Applies to the same items as previously under 16 C.F.R. part 1303, namely (1) paint sold to consumers as such; and (2) toys, other *articles intended for children* bearing paint or other surface coating; and (3) *household furniture* bearing paint or other surface coating
- Children's products *manufactured after* 8/14/09 must be *certified* to the 90 ppm limit if they bear paint or a similar surface coating

# The “Small Parts” Ban

- Items for children *under 36 months* of age are banned if they have small parts “as received” or after “use and abuse” testing
  - Small parts are those fitting in the small part cylinder
  - The regulations list many items for children under 36 months that are covered by the ban
  - Exceptions include balloons, books, clay, crayons, children’s clothing and accessories
- Certification is required for covered products if they are manufactured after 2/15/2009

# Learning more about the “small parts” ban

- Check out CPSC’s *Regulatory Summary* for small parts. Here’s how
- 1. Open CPSC’s home page: [www.CPSC.gov](http://www.CPSC.gov)
- 2. Click on the “Business” tab at the top right of the website, between the picture banner at the top and the CPSIA flag banner
- 3. On the business page, under Regulations, Law and Information, find “Industry Guidance”
- 4. Scroll down to “Regulatory Summaries”



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## CPSC's Most Wanted:

- [Kolcraft Play Yards](#)
- [Stork Craft Cribs](#)
- [MEGA Brands Magnetic Toys](#)
- [Delta Cribs \(Spring Peg\)](#)
- [MagnaMan Figures](#)
- [Simplicity Cribs](#)



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## Consumer Product Safety Improvement Act

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→ [Generation 2 Worldwide & ChildESIGNS Drop Side Cribs Recalled: Three Infant Deaths Reported](#)

#### [Recalls and Product Safety News](#)

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Report an incident with a product that caused an injury. Medical Professionals and Fire/Police Investigators: file MECAP, incident reports.

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#### [Neighborhood Safety Network \(Español\)](#)

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#### [Product Safety Standards](#)

Find a [product safety standard](#). View product safety [voluntary standards activities](#) and [research reports](#) for selected consumer products.

#### [CPSC Publications](#)

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### Recent Recalls

- [Pull Toys](#)
- [Strollers](#)
- [Wind Chime Toys](#)
- [Lamps \(Español\)](#)
- [Drop Side Cribs \(Español\)](#)



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Additional Web Sites Maintained by CPSC

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[ATVSafety.gov](#)

CPSC Info Centers

[Resale/Thrift Stores](#)

[Drywall \(Español\)](#)  
[Cribs \(Español\)](#)



## Industry Guidance

This menu includes links to documents regarding Recall programs, Handbooks on Regulated Products and Recalls, Regulatory Summaries in Plain Language, Confe

### Handbooks

- [Recall Handbook](#)  
A Guide for Manufacturers, Importers, Distributors and Retailers on Reporting Under Sections 15 and 37 of the Consumer Product Safety Act and Section 102 (Revised May 1999)
- [Regulated Products Handbook](#) (pdf)  
A guide for manufacturers, importers, distributors, and retailers on procedures relating to the enforcement of standards and regulations issued under Acts adm

### Recall Information

- [CPSC Fast Track Product Recall Program](#)  
An alternative procedure for reports filed pursuant to Section 15(b) of the Consumer Product Safety Act for firms that initiate acceptable corrective action within
- [CPSC Fast Track Product Recall Program - Brochure](#)  
An alternative procedure for reports filed pursuant to Section 15(b) of the Consumer Product Safety Act for firms that initiate acceptable corrective action within
- [Innovations in American Government Award: Fast-Track Recall Program](#)  
The CPSC Fast-Track Consumer Product Recall Program was named a 1998 winner of the prestigious Innovations in American Government award.

# Cribs, Pacifiers and Rattles

- Some products for infants have their own mandatory standards with extra requirements
- These products must be *certified* as follows:
  - Cribs manufactured after 1/20/2009
  - Pacifiers manufactured after 1/20/2009
  - Rattles manufactured after 2/10/2010



# Child Care Articles

- Term includes items designed or intended for children *age 3 and younger* to facilitate *sleep or feeding* or to help such children with *sucking or teething*
- Staff is preparing guidance for interpreting the term “child care article”
- Child care articles are subject to limits on *six different phthalates*
- Certification not yet required; will be required for products manufactured more than 90 days after publication of the rules for recognizing labs for phthalate testing

# Phthalates

## CPSIA section 108

- Revised test method focuses on concentration in each *plasticized component* rather than the entire product
- Limit is 1000 parts per million (ppm) for six specific phthalates
- Unlike the lead provision, phthalate section lacks an exception for inaccessible components
- Commission enforcement focus remains on items of greatest risk: squeezable bath toys

# Durable Nursery Products

- Twelve classes identified by statute and six more recently identified by staff; others likely
- CPSC must promulgate mandatory standards for all of these (two every six months)
  - First two will be promulgated soon: baby walkers and bath seats
  - Two more will be proposed shortly: toddler beds and bassinets
  - Revised crib standard will also be issued this year

# Product Registration Cards

## CPSIA section 104(d)

- Final rule published December 29, 2009 is effective June 28, 2010 for the twelve categories of durable nursery products named in CPSIA, December 29, 2010 for the six additional categories of products staff recently identified
- For products made in the USA: the *manufacturer* is responsible for compliance
- For products made elsewhere: the *importer* is responsible for compliance

# Mandatory Toy Standards

## CPSIA section 106

- Most provisions of ASTM F-963-07 became mandatory for toys made after February 10, 2009
- Most provisions of ASTM F-963-08 became mandatory for toys *manufactured after 8/17/09* (except deletion of the toy box provision)
- CPSC consulting on upgrade of six specific provisions; deadline for upgrade is August 2010
- Certification is not required yet; it will be required for toys manufactured more than 90 days after lab recognition requirements are published

# Toys and Phthalates

- Children's toys are also subject to a 1000 ppm limit on three banned phthalates
- Staff is preparing guidance on interpreting the term "children's toy"
- *Toys that can be mouthed* are subject to 1000 ppm limit on three additional phthalates on an interim basis
- Certification is not yet required—will depend on lab recognition rules

# Labeling for Toys and Games

- Toys and games that are intended for children *ages three to six* must have a *choking hazard warning* on their packaging if they contain small parts
- Similar cautionary labeling is required for balloons, small balls and marbles, as well as toys that contain these, if they are intended for children ages 3 to 8

# Internet and Catalog Advertising

- After December 2008 an internet advertisement for toys and games that require cautionary labeling, if it provides a *direct means of purchase*, must contain a “choking hazard” warning
- Catalogs displaying these products must also have warnings if printed after February 2009 or if distributed after August 2009 (regardless of printing date)



# Apparel

- Most wearing apparel for children and adults is subject to CPSC flammability standards
- Class 3 textiles, which exhibit rapid and intense burning, cannot be used in clothing
- Certification is not yet required—it is stayed for both children's apparel and adult apparel

# Fabrics Exempt from Testing

- Years of flammability testing has shown that some fabrics consistently pass as Class 1 textiles:
  - (1) plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and
  - (2) all fabrics (both plain surface and raised-fiber surface) regardless of weight, made entirely from any of the following fibers or entirely from a combination of these fibers: acrylic, modacrylic, nylon, olefin, polyester, and wool.

# Children's Sleepwear

- Children's sleepwear is subject to *stricter* flammability requirements than other wearing apparel unless the sleepwear is *tight fitting*
- Certification is not yet required; it will be required for products manufactured more than 90 days after the lab recognition rules are published

# Which Requirements Apply?

- Do you make a “children’s product” ?
- What CPSC mandatory standards apply?
- **Is your product subject to any voluntary standards?**
- Does the product design incorporate the latest information on safety?

# Voluntary Standards

- Voluntary standards exist for many different products
- Meeting voluntary standards can help keep you out of trouble; not meeting voluntary standards can subject you to liability for personal injuries
- Failure to meet voluntary standards can be evidence of a defect that would give rise to a CPSC request for recall

# Finding Voluntary Standards

- 1. Open CPSC's home page: [www.CPSC.gov](http://www.CPSC.gov)
- 2. Below the CPSIA flag banner, find the topic "Product Safety Standards"
- 3. Click on the link for "product safety standards"

# Which Requirements Apply?

- Do you make a “children’s product” ?
- What CPSC mandatory standards apply?
- Is it subject to any voluntary standards?
- **Does the product’s design incorporate the latest information on safety?**

# Questions?

John Gibson Mullan

Director, Office of Compliance

[JMullan@cpsc.gov](mailto:JMullan@cpsc.gov)



# Certification: Component Testing

- In December 2009, Commission issued Interim Enforcement Policy allowing two types of component testing
- Type 1: get each component tested yourself by a recognized third party test lab
- Type 2: get certificates for each component based on testing by a recognized third party lab

# Example: Testing of Components



# Content of Certificates

- All certificates of conformity must:
  - identify the manufacturer or importer issuing the certificate and any third party on whose testing the certificate depends, by name, address and phone number
    - Note: *not* required to name a foreign manufacturer
  - specify each applicable standard, ban, etc.
  - spell out the date and place where the product was manufactured and date and place of testing
  - show contact information for person maintaining test records

# Availability of Certificates

- Certificates must “*accompany*” each product or shipment of products covered by the same certificate
- A copy of the certificate must be “*furnished* to each distributor or retailer of the product” (no requirement to provide to ultimate consumer)
- A copy of the certificate must be made available to the Commission and Customs *upon request*

# Electronic Certificates

- The Commission by rule has confirmed that certificates in electronic form are acceptable
- Key requirements:
  - Certificate must be created no later than the time of shipment to US or first distribution within US
  - The certificate must be *reasonably accessible* from information on the product or accompanying the shipment; can be transmitted with Customs docs

# Certification vs. Compliance

- Certification *never exempts* any product from the requirement to comply with an applicable rule, standard, ban or regulation.
- Manufacturers (including importers), distributors and retailers must report to the CPSC immediately if they learn that one of their products fails to comply with an applicable rule
- A person holding a certificate of compliance may have a defense in a non-compliance case

# Watch for More Certification Guidance

- More lab accreditation rules
- Component testing rule
- Program for voluntary certification marks on consumer products
- Testing Rule
  - Reasonable testing program
  - Periodic testing requirements
  - Random testing requirements
  - Verification of compliance
  - Safeguards against undue influence over labs



# January 2010 Report to Congress

- Commission reached consensus on several issues:
  - Need for more flexibility in deciding when exemptions from lead limits are appropriate
  - Desirable to make future reductions in lead limits prospective, not retroactive
  - Need for greater flexibility on books
  - Need for flexibility on certification requirements for low volume manufacturers