

U.S. Consumer Product Safety Commission



Tracking Labels, Children's Product Certification, Third Party Testing, & Component Part Testing.

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Views expressed in this presentation are those of the staff and do not necessarily represent
the views of the Commission.

Tracking Labels

www.cpsc.gov/trackinglabel

Tracking Labels

- Product and its packaging, if practicable
- Commission policy document sets forth the substantive requirements, including:
 - the name of the manufacturer or private labeler;
 - the location and date of production of the product;
 - detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics; and
 - any other information to facilitate ascertaining the specific source of the product.
- No mandated format. Each product type may be unique.

Third Party Testing and Certification Requirements

(Periodic Testing and Component Part
Testing)

www.cpsc.gov/3PT

What is third party testing?

- Third party testing is testing performed by an accredited laboratory that is owned by a third party (*i.e.*, not you) and is accepted by the CPSC to conduct testing on consumer products using approved test methods in accordance with established federal safety standards.
- There are three types of third party testing:
 - initial third party testing (also called certification testing);
 - material change testing; and
 - periodic testing.

Identify a CPSC-Accepted Laboratory

- All non-exempt materials must be third party tested by a CPSC-accepted laboratory, and manufacturers must issue a Children's Product Certificate.
 - Special requirements for registered small batch manufacturers. www.cpsc.gov/smallbatch
- All CPSC-accepted laboratories are accredited, but not all accredited laboratories are CPSC-accepted laboratories.
- Laboratories are accepted by the CPSC on a test-by-test basis. To lower costs, you should try to find a single laboratory that can address all of your testing needs.

Initial Testing & Certificate of Conformity

- www.cpsc.gov/labsearch
- CPSC-accepted laboratory performs applicable testing and provides you with testing results.
- You – the manufacturer or importer – are responsible for issuing a certificate of conformity based on passing results. (Children's Product Certificate).
- Laboratory may assist you, but you are the responsible party.
- www.cpsc.gov/3PT (Resources section)

Material Change Testing & Certificate of Conformity

- If you – the manufacturer or importer – make a material change to the product after initial certification, you must:
 1. Re-test the affected component part or the entire product; and
 2. Issue a new Children's Product Certificate
- www.cpsc.gov/3PT (Resources section)

Periodic Testing Rule

- Periodic Testing Rule Effective on February 8, 2013
- After initial testing and certification, periodic testing is required at a minimum of once per year, depending on your particular product.
- You can possibly increase the amount of time to once every 2 years or every 3 years if you have a production testing plan in place or a production testing plan using an ISO/IEC 17025-accredited lab, respectively.

Periodic Testing and Component Part Testing

- Again, currently you must third party test and certify your products (and any material changes to your products) manufactured after December 31, 2011.
 - You are not required to conduct periodic testing until February 8, 2013.
- You must retest and recertify if you've made a material change in the interim period.

Component Part Testing

- You may rely upon a Component Part Certificate or component part test results from your supplier if the supplier meets all of the requirements that are in the rule at 16 CFR 1107 (*i.e.*, uses a CPSC-accepted laboratory, keeps records, and, eventually, conducts periodic testing.)
- You must “exercise due care” to rely upon the Component Part Certificate or component part test results.

Component Part Testing

- The concept of due care is flexible, and it will vary depending upon the circumstances and the industry in question.
- A party “exercising due care” must use the degree of care that a prudent and competent person engaged in the same line of business or endeavor would exercise under similar circumstances.

Component Part Testing

- Generally, due care requires taking some affirmative step to ensure the validity of the test report or certification being relied upon.
 - At a minimum, due care requires that a certifier know something about the facts underlying a supplier's test report or certification before relying on it to issue its own certificate. Such actions must include receiving and reviewing the required documentation and making inquiry regarding any discrepancies.
 - Additional actions may include asking questions about testing and sampling procedures and the third party conformity assessment body the supplier uses, spot checking a supplier's test results, requesting written test procedures, or visiting a supplier's factory or third party laboratory.

Component Part Testing

- Actions taken by a certifier to ensure the reliability of test reports from a supplier may differ depending on the nature of the component part supplied, the risk of noncompliance, the industry involved, and the nature of the relationship with the supplier.
- A long-term relationship with a trusted supplier that receives a large portion of its profits from one manufacturer may not require the same level of inquiry or monitoring as that of a new supplier that provides parts to many different manufacturers infrequently.
- Depending on the industry and the facts, a certifier may take various actions in order to know something about the validity of the test reports or certifications being relied upon.

Component Part Testing

- For example, depending on the industry and the circumstances, the exercise of due care may include:
 - asking questions about testing and sampling procedures;
 - requesting written test procedures;
 - ensuring the supplier's third party conformity assessment body is CPSC-accepted;
 - spot checking a supplier's test results; or
 - visiting a supplier's factory or third party laboratory.

Resources

- www.cpsc.gov/3PT
- www.cpsc.gov/labsearch
- Additional resources (*e.g.*, lead, phthalates, small parts) may be found at: www.cpsc.gov/sbo

For More Information:

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