

U.S. Consumer Product Safety Commission

Key Procedural Requirements under the Consumer Product Safety Improvement Act of 2008



September 2016

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Agenda for Presentation

- Procedural Requirements for Children's Products
- Procedural Requirements for Non-Children's Products.
- Certificates

The Consumer Product Safety Improvement Act of 2008 (CPSIA)

In 2008, Congress passed the CPSIA to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Many high-profile product recalls in 2007 and 2008, particularly those involving:

- Lead paint in children's toys
- Dangerous cribs

Children's Products and the CPSIA

- Many of the CPSIA requirements are specifically for children's products.
- Children's products are products designed and intended primarily for children 12 years or younger.
- Additional requirements for child care articles, items that are used for feeding/sleeping for children three years or younger.

Children's Products and the CPSIA

Key process requirements for children's products:

- Third party testing by CPSC-accepted labs
- Children's Product Certificate (CPC)-
conformity certificate issued by importers &
U.S. manufacturers
 - CPC shows conformance to applicable requirements (e.g.,
- flammability, lead, phthalates), based on third party testing
- Tracking labels

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.
- 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.
- www.cpsc.gov/cgi-bin/labsearch/

Initial Testing and Certificate of Conformity

- The U.S. manufacturer or importer is responsible for ensuring that representative samples are tested.
- CPSC-accepted laboratory performs applicable testing and provides testing results.
- Testing needs to be completed before entry at the port or distribution in commerce.
- The U.S. manufacturer or importer is responsible for providing a certificate of conformity based on passing results. Find a template for a Children's Product Certificate (CPC) at: www.cpsc.gov/cpc

Material Change Testing & Certificate of Conformity

If the U.S. manufacturer or importer makes a material change to the product after initial certification:

1. Re-test the affected component part or the entire product; and
2. Issue a new Children's Product Certificate

Periodic Testing Rule

After initial testing and certification, periodic testing is required at a minimum of:

- Once per year
- Every two years with a production testing plan
- Every three years using a testing laboratory accredited to ISO/IEC 17025:2005(E).

***Vast majority of U.S. manufacturers and importers must periodically test children's products once per year.

Tracking Labels

A permanent mark must be affixed to the product and its packaging, if practicable

- Requirements:
 - Name of the U.S. manufacturer or private labeler
 - 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
 - Other information to facilitate identifying the source
- No mandated format

Mandatory Safety Rules for Durable Infant Products

- Third party testing and certification are required for durable infant and toddler products subject to mandatory safety rules
- Consumer registration requirement
- www.cpsc.gov/durableinfantproducts

Safety Rules for Durable Infant or Toddler Products

Current List of Durable Infant or Toddler Products:

- Bassinets and Cradles
- Bedside Sleepers
- Booster Seats
- Carriages and Strollers
- Changing Tables
- Children's Chairs and Stools
- Cribs (Full-Size)
- Cribs (Non Full-Size)
- Expansion Gates and Expandable Enclosures
- Frame Child Carriers
- Hand-Held Infant Carriers
- High Chairs
- Infant Bath Seats
- Infant Bath Tubs
- Infant Bouncer Seats
- Infant Inclined Sleep Products
- Infant Swings
- Infant Walkers
- Play Yards
- Portable Bed Rails
- Portable Hook-On Chairs
- Sling Carriers
- Soft Infant and Toddler Carriers
- Stationary Activity Centers
- Toddler Beds

Non-Children's Products and the CPSIA

- Regulations for certain non-children's (general-use) products require:
 - Testing: Any laboratory can perform the testing for non-children's products. Third party testing is not required.
 - Certification: A General Certification of Conformity (GCC) is required for all products subject to a rule, ban, standard or regulation enforced by the CPSC. Full List here:
 - <http://cpsc.gov/Business--Manufacturing/Testing-Certification/Lab-Accreditation/Rules-Requiring-a-General-Certificate-of-Conformity/>

What Testing Requirements Exist for Non-Children's Products?

Reasonable Testing Program (RTP)

- Some standards contain an RTP for their products.
- General RTP for all regulated non-children's products has not been defined by the Commission.

Children's and Non-Children's Products: What Must Be Certified?

- Any product that is subject to a consumer product safety rule or similar rule, ban, or regulation *and* which is “*imported* for consumption or warehousing” or “*distributed* in commerce.”
- Certification is the responsibility of the importer or U.S. manufacturer. Importers and U.S. manufacturers should have a clear understanding of *which technical regulations need to be met*.
- Foreign manufacturers/suppliers should insist on a list of which technical regulations apply.

Children's and Non-Children's Products: Content of Certificates

All certificates of conformity must:

- Identify the U.S. manufacturer or importer issuing the certificate and any third party on whose testing the certificate depends, by name, address, and phone number.
- Specify each applicable regulation, ban, etc.
- Spell out the date and place where the product was manufactured and date and place of testing.
- Show contact information for the person maintaining test records.

Children's and Non-Children's Products

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.

Children's and Non-Children's Products: 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 the United States or first distribution within the United States.
- The certificate must be reasonably accessible from information on the product or accompanying the shipment.

Sec. 15 Reporting Obligations

- If you are a U.S. manufacturer, importer, distributor, and/or retailer of consumer products, you have a legal obligation to immediately report the following types of information to the CPSC:
 - A defective product that could create a substantial risk of injury to consumers;
 - A product that creates an unreasonable risk of serious injury or death;
 - A product that fails to comply with an applicable consumer product safety rule or with any other rule, regulation, standard, or ban under the CPSA or any other statute enforced by the CPSC;

<https://www.cpsc.gov/reporting>



For Certification, Testing and Other Requirements:

www.cpsc.gov/Business-Education

www.cpsc.gov/vi-VN/Business--Manufacturing/Business-Education/

www.cpsc.gov/DesktopGuide

<http://www.cpsc.gov/Global/Business-and-Manufacturing/International/Vietnamese/QuickResourceGuideVN.pdf?epslanguage=vi-VN>

Thank You!

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