



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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**STATEMENT OF COMMISSIONER PETER A. FELDMAN
ON FIREWALLED THIRD-PARTY TESTING LABORATORY ACCREDITATION
PROCESS**

JULY 22, 2022

Today, the Commission voted to renew the accreditation for the firewalled third-party testing laboratory owned by the Step 2 Company, LLC (“Step 2”). Under the Consumer Product Safety Improvement Act, manufacturers and importers are required to test children’s products for safety using either third-party laboratories or labs that are “firewalled” against the possibility of undue influence. [I have raised concerns previously](#) about CPSC’s accreditation process for these laboratories and have been troubled by the lack of diligence with which the Commission reviews applicants’ assertions, including about undue influence. I have also called for a reexamination of a process that too often has felt like a rubber stamp. Since I joined CPSC, I have consistently voted to withhold blanket delegations of authority to approve these reaccreditations but have not always been successful. This is a longstanding debate and I am pleased now to see some agreement that reform is needed.

Agency staff has admitted that [the laboratory accreditation process](#) is largely a paper exercise that relies on a firm’s own attestations and documents. CPSC does not conduct on-site inspections or perform other verifications to ensure these laboratories are independent. While my concerns with the existing process extend beyond the accreditation of foreign laboratories, I am particularly concerned about laboratories in the People’s Republic of China and other countries that do not have cultures of transparency or whistleblower protections. When I asked how CPSC ensures that laboratory workers are able to report allegations of undue influence confidentially in countries where free speech is restricted, I was told we simply take the applicants at their word. Whistleblowers must be able to communicate freely with CPSC without fear of retaliation, yet I am unaware of any specific examples of whistleblowing from certain authoritarian countries. This alone illustrates the need for review and reform to the way we certify these labs.

I have no reason to believe that Step 2, a U.S. company, with no known history of undue influence, has any issues with its firewalled laboratory. Accordingly, I am comfortable voting to approve its reaccreditation. Nevertheless, I wish to reiterate my concerns which I hope we will now address as a Commission. We should also reexamine the existing delegations under which agency staff can renew laboratory accreditations without Commission oversight or approval. This is an important discussion and I look forward to continued work on this issue. Perhaps there is finally a majority to support meaningful reforms that will better protect our most vulnerable consumers.