



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

STATEMENT OF COMMISSIONER NANCY NORD
ON THE VOTE TO APPROVE, WITH CHANGES, THE SPRING 2011
REGULATORY AGENDA
February 24, 2011

My vote supporting the Regulatory Agenda is conditioned on the following changes being made.

- 1.) Testing and Certification Rule: Although the agency has decided not to undertake the necessary analysis to determine how this rule will impact the economy, we know that the impact will be considerable. We also concede that we do not know the magnitude of the risk we will be addressing with this rule. Given this, my hope is that we proceed with regulatory caution. Therefore I was surprised to see the statement in the agenda, under “Statement of Need” that the Commission has elected to define a “reasonable testing program” which would regulate the manufacturing processes of all products (not just children’s products) subject to a CPSC standard. This statement is incorrect and should be deleted since, as yet, the Commission has made no such election. For that reason I suggested and the other Commissioners agreed to delete that statement.
- 2.) Certifications of Compliance: We are considering a proposed amendment to our existing rule (16 CFR part 1110) to clarify which parties must issue a certificate. This issue should be considered in conjunction with the Testing and Certification Rule since it goes both to who has to do a certificate and to what needs to be in it. The date for consideration should be changed to conform with that rule.
- 3.) Third Party Accreditation for Toys and Phthalates: The Regulatory Agenda proposes that third party lab accreditation rules for toys subject to ASTM 963 and products containing phthalates be published in July, 2011, with required testing to commence 90 days later. The timing of these rules puts extensive and complex new testing requirements on small manufacturers at their busiest time. Since the underlying requirements are in place, the lab accreditation requirements should be delayed so that they do not go into effect until the end of the calendar year. Such a change would track a similar decision that we made with respect to lead testing.