

Section 102 of the Consumer Product Safety Act of 2008



TESTING AND CERTIFICATION WORKSHOP

December 10, 2009

These comments are those of the CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission .

Section 14(a)(1) of the CPSA

➤ GENERAL CONFORMITY CERTIFICATION

Section 14(a)(1) of the CPSA requires manufacturers of non-children's products subject to an applicable safety standard under the Acts enforced by the Commission to issue a certificate based on either:

- A test of each product, or;
- Upon a reasonable testing program.
- The manufacturer must specify each applicable safety standard that is applicable to the product in its certification.



Section 14(a)(2) of the CPSA

➤ THIRD-PARTY TESTING FOR CHILDREN'S PRODUCTS

Manufacturers of children's products must meet certification requirements specific to children's products under section 14(a)(2) of the CPSA. Every manufacturer of a children's product that is subject to a children's product safety rule must:

- Submit sufficient samples of the children's product, or samples that are identical in all material respects to the product, to a CPSC recognized third-party conformity assessment body, more commonly known as a laboratory, to be tested for compliance with the applicable children's product safety rules, and;
- Based on such testing, issue a certificate that certifies the children's product at issue complies with the applicable children's product safety rules based on the assessment of a CPSC recognized third-party laboratory accredited to conduct such tests.



Section 14(b) of the CPSA

Under section 14(b) of the Consumer Product Safety Act, the Commission may by rule:

- Prescribe a reasonable testing program for any product which is subject to a safety standard under any of the Acts enforced by the Commission for which a certificate is required under section 14(a) of the CPSA, and;
- Require third-party testing by an independent third party for a particular safety standard or for a particular class of products.
- Section 14(a)(2) requires CPSC recognized third-party testing for all children's products.



Section 14(d)(2)(A) of the CPSA

Section 14(d)(2)(A) of the CPSA requires the Commission by regulation to:

- Initiate a program by which a manufacturer or private labeler may label a consumer product as compliant with the certification requirements of section 14(a) of the CPSA.



Section 14(d)(2)(B) of the CPSA

CPSIA requires the Commission, by regulation, to establish protocols and standards for:

- Ensuring that a children's product tested for compliance with an applicable children's product safety rule is subject to testing periodically and when there has been a material change in the product's design or manufacturing process, including the sourcing of component parts;
- The testing of random samples to ensure continued compliance;
- Verifying that a children's product is tested by a conformity assessment body, i.e., a lab, complies with the applicable children's product safety rules, and:
- Safeguarding against the exercise of undue influence on a third-party conformity assessment body by a manufacturer or private labeler.