

Reasonable Testing Program & Third-party Testing

CPSC Public Workshop on CPSIA Product Testing

CPSA Section 14
CPSIA Section 102



*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.*

Topics:

- Testing & Certification
 - Non Children's Products, Reasonable Test Program
 - Children's Products, Third-party Tests
- Extra Third-party Tests for Children's Products
 - Material Change
 - Periodic Testing
- Component Testing

General Principle: Manufacturers / importers are responsible for ensuring that their consumer products comply with all applicable product safety standards.



CERTIFICATES

Domestic manufacturers / importers are required to issue certificates that state that their products comply with applicable rules, standards, or bans.

- For children's products, certification based on CPSC-recognized third-party conformity assessment body (laboratory) testing.



CERTIFICATES

Domestic manufacturers / importers are required to issue certificates that state that their products comply with applicable rules, standards, or bans

- For children's products with testing specified by regulation, certification may not require additional testing. CPSC-recognized third-party laboratory could perform the production tests.



Reasonable Testing Program



Third-party Testing



Non Children's Products

Children's Products

Reasonable Testing Program

Goal: Reasonable certainty that all manufactured products comply with rules, standards, and bans.

Reasonable Testing Program

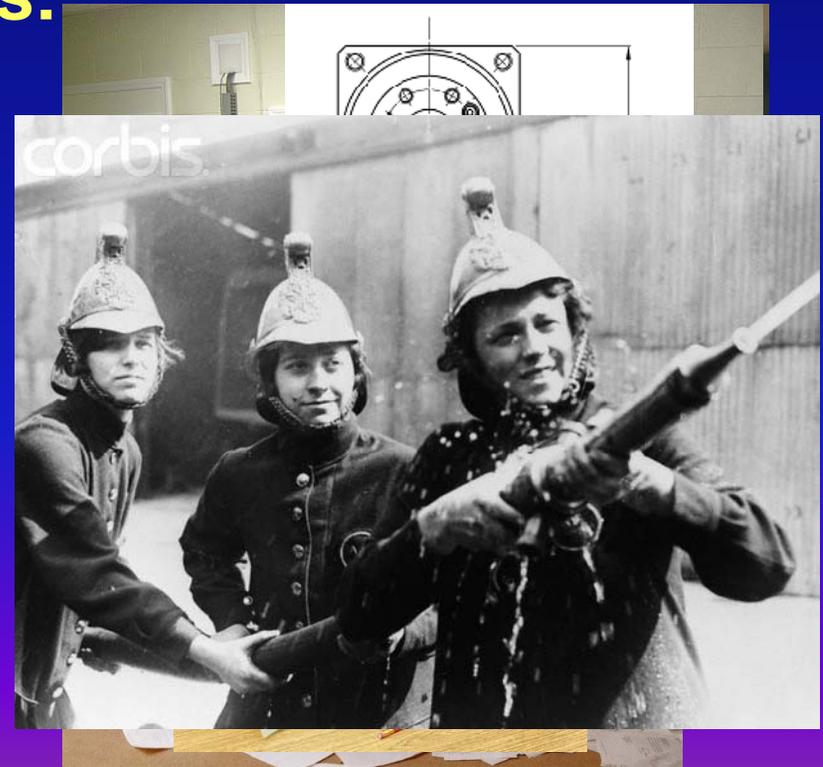
Goal: Reasonable certainty that all manufactured products comply with rules, standards, and bans.

Question: How much certainty is “reasonable certainty?”

Reasonable Testing Program

Five Essential Elements:

1. Product Specifications
2. Certification Testing
3. Production Testing
4. Remedial Action Plan
5. Documentation



Reasonable Testing Program

Five Essential Elements:

1. Product Specifications

Question: How should certification testing be conducted?

What types of production testing are acceptable?



Reasonable Testing Program

Five Essential Elements:

1. Product Specifications

Question: Should there be a sixth essential element? If so, what?

4. Remedial Action Plan

5. Documentation



Children's Products:

Must be tested by a CPSC-recognized third-party laboratory before they are introduced into commerce

<http://www.cpsc.gov/cgi-bin/labapplist.aspx>



Children's Products:

Children's Product Safety Rules

Until Notice of Requirements Issued for a Rule:

- CPSC-recognized third-party testing is not required
- Products still have to comply with all the applicable rules, standards, and bans



Third-party Tests for Children's Products after Certification

CPSA 14(d)(2)(B)

- Material change in product design, manufacturing process, sourcing of component parts.
- Per Rule Basis: Did change affect the product's ability to comply?
- If testing is required, test only the effects of the change.



Third-party Tests for Children's Products after Certification

CPSC 141 (1)(b)(i)

- Questions: How do you decide if compliance with a rule has been affected by a product change?
- or -
- How do you decide which rules to test to after making a change?

change



Third-party Tests for Children's Products after Certification

Periodic Testing

- Goal is to ensure that current production is like the product that underwent certification testing.

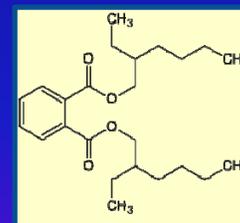
Production Testing Component of the Reasonable Testing Program



Component Testing

- For discussion purposes, a component is a part of a product that may be tested separately from the product for compliance to a specific rule, ban, or standard.

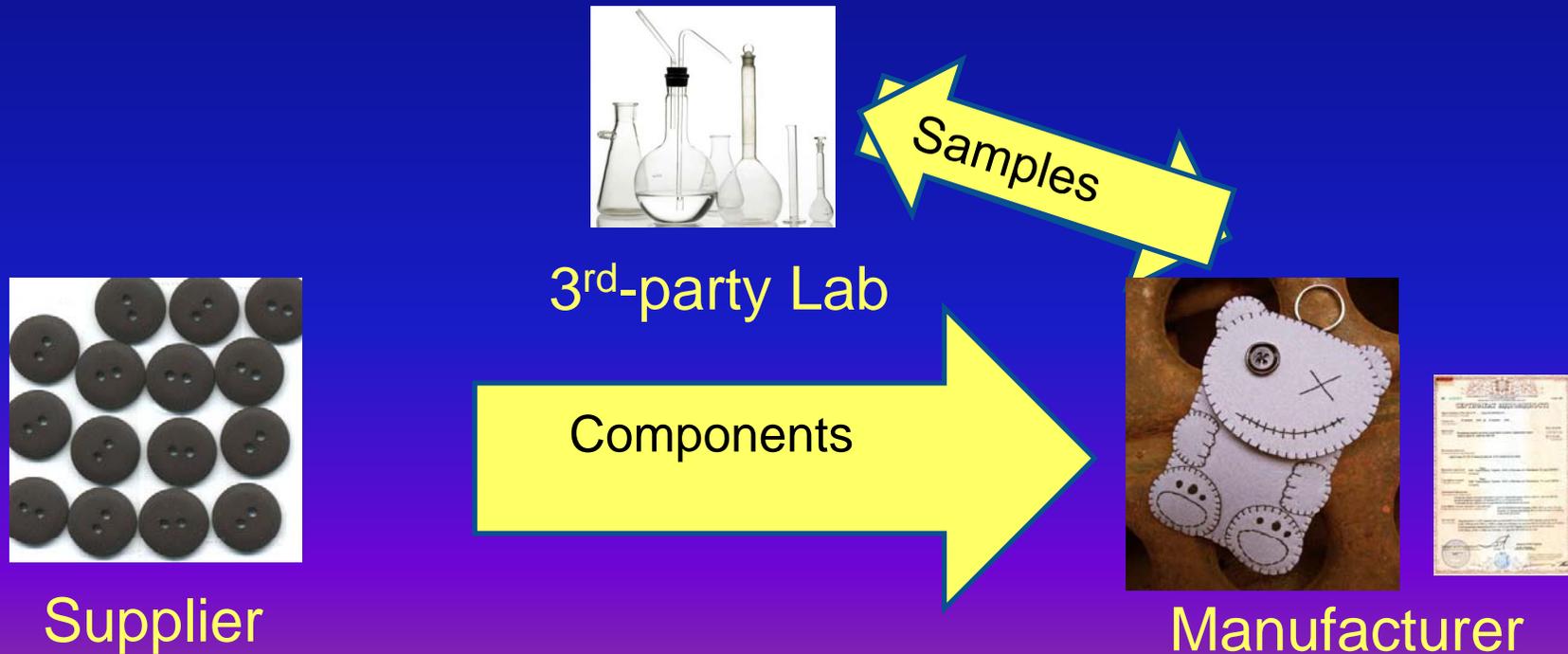
- Chemical Rules
 - Lead in Paint
 - Lead Content
 - Phthalates



- Some other components (e.g., bicycle handlebars)

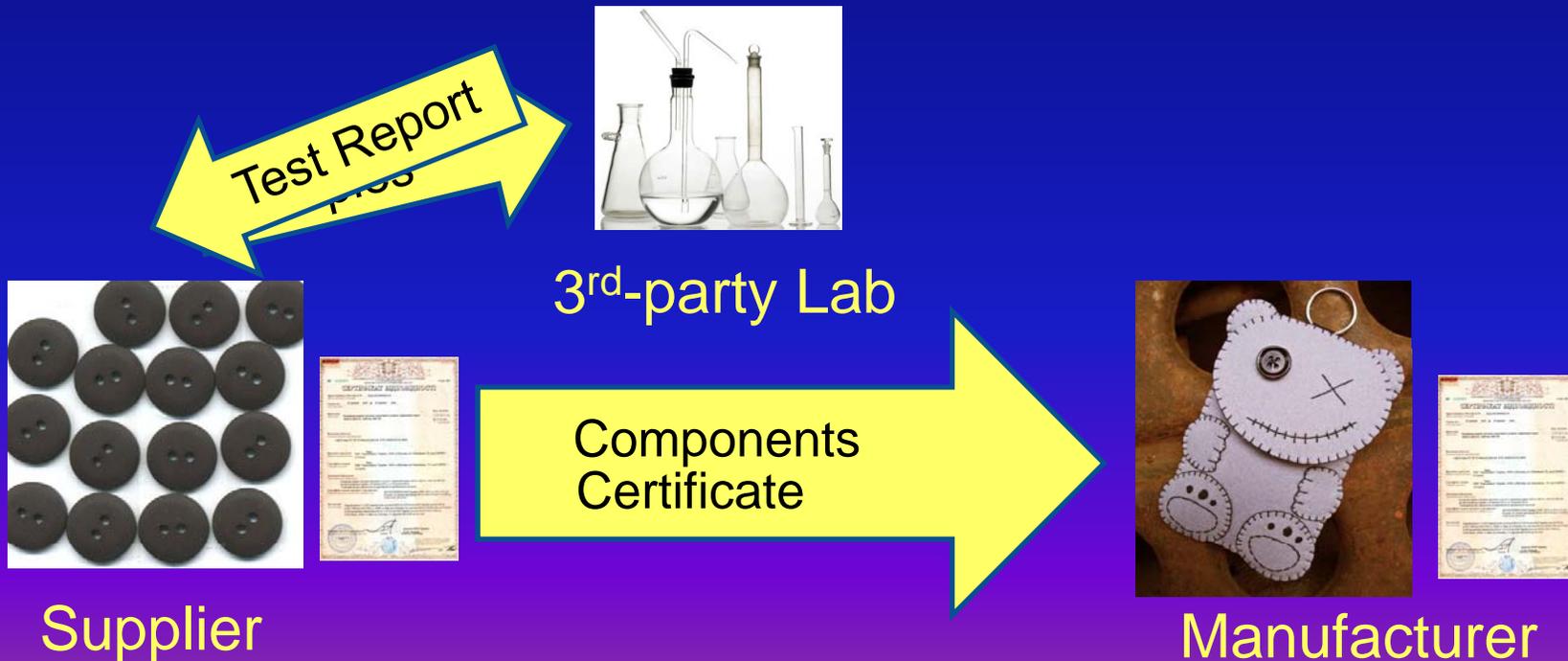
Component Testing

- Component tested must be the same as the component on the finished product in all material respects (no additives, contamination, aging)



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Question: Who can arrange for third-party tests of components?



Supplier



3rd-party Lab

Components
Certificate



Manufacturer



Component Testing

- Component tested must be the same as the component on the finished product in all material respects (no additives, contamination, aging)

Question: How can component testing be incorporated into a reasonable testing program?



Supplier



Components
Certificate



Manufacturer



Question Recap

1. How much certainty is “reasonable certainty?”
2. How should certification testing be conducted?
3. What types of production testing are acceptable?
4. Should there be a sixth essential element?
5. How do you decide which rules to test to after making a change?
6. Who can arrange for third-party tests of components?
7. How can component testing be incorporated into a reasonable testing program?



**U.S. Consumer Product
Safety Commission**

Thank You