

Mandatory Third-Party Testing for Certain Children's Products



CPSC Public Meeting -- October 2, 2008

This presentation has not been reviewed or approved by the Commission
and may not reflect its views.

Definition of Children's Product

- The term “children's product” is defined as a *consumer product* designed or intended *primarily* for children *12 years* of age or younger.

What is a Children's Product?

- In deciding what is a children's product, CPSC *must* consider:
 - A statement by the manufacturer about the intended use of such product if such statement is reasonable;
 - Whether the product is represented in its packaging, display, promotion or advertising as appropriate for use by children 12 years of age or younger;
 - Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger; and
 - The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor to such guidelines.

Is It A Children's Product?

YES



NO

Who Must Certify?

- “Every manufacturer of such children’s product (and the private labeler of such children’s product if such children’s product bears a private label)”
- Key definitions from the CPSA still apply:
 - “Manufacturer means any person who manufactures or imports a consumer product”
 - “Private labeler means an owner of a brand or trademark on the label of a consumer product”

Is Third-Party Testing Required for All Children's Products?

- The requirement for third-party testing applies to every children's product that is subject to a "children's product safety rule"
- The term "children's product safety rule" is defined broadly to include any standard or ban under the CPSA or any "similar rule, regulation, standard or ban" under any other Act enforced by CPSC, including a rule declaring a consumer product to be a banned hazardous substance.

Methods for Third-Party Testing of Children's Products

- Method for third-party testing depends on the standard, ban or similar rule applicable to the children's product
 - Ban on Lead-Containing Paint
 - <http://www.cpsc.gov/BUSINFO/leadsop.pdf>
 - <http://www.cpsc.gov/BUSINFO/Recht.pdf>
- Many of the Commission's rules incorporate specific test methods:
 - Cribs and pacifiers
 - Bicycle helmets
- Where no test method currently exists, the CPSC staff will be providing additional guidance on test methods.

Third-Party Testing of Children's Products

| | CPSC Publishes Accreditation Procedure | Third-Party Testing Required |
|--------------------------------------|-----------------------------------------------|-------------------------------------|
| Lead Paint | September 22, 2008 | December 21, 2008 |
| Cribs And Pacifiers | October 2008 | January 2009 |
| Small Parts | November 2008 | February 2009 |
| Metal Jewelry | December 2008 | March 2009 |
| Baby Bouncers, Walkers And Jumpers | March 2009 | June 2009 |
| 300 ppm Lead Content | May 2009 | August 2009 |
| CPSC Children's Product Safety Rules | June 2009 | September 2009 |

What Regulations Apply to Children's Products ?



U.S. Consumer Product Safety Commission

▶ Consumer Safety

▶ About CPSC

▶ Library - FOIA

▼ Business

➔ Regulations, Laws & Information for Manufacturers, Importers, Distributors & Retailers:

- [Regulations, Laws and Business Information by Product](#)
Information on specific products
- [Regulations and General Commission Information by Statute \(Act\)](#)
Information on CPSC's laws
- [Industry Guidance](#)
Recall programs, handbooks, testing manuals and laboratories, and more
- [Small Business Information](#)
- [Frequently Asked Questions](#) for Manufacturers, Importers, Distributors and Retailers
- [Report a potentially defective or hazardous product](#) (Section 15b Report)
- Official Federal Information:
 - [CPSC's Federal Register Notices](#)
 - [CPSC's Regulations](#)
 - [CPSC's Statutes](#)

➔ [International Activities](#)

➔ [Other Business Information](#) - Includes Child Care Safety Checklist, Thrift Store information

➔ [Product Safety State Contacts](#) - Product safety liaisons from states, US territories, and CPSC

➔ [Federal Activities Inventory Reform Act \(FAIR\) submission for Fiscal Year 2008 \(pdf\)](#)

➔ [Mattress Flammability Information](#) ➔ [Poison Prevention Packaging Act \(PPPA\) Information](#)

What's New

- ➔ [Brand X Car Seat Consumer Recall Focus Groups \(pdf\)](#)
- ➔ [Computer Battery Consumer Recall Focus Groups \(pdf\)](#)
- ➔ [Updated Compliance Guidance Letter on Loungewear \(pdf\)](#)
- ➔ [CPSC Staff Presentation: Consumer Products Exported to the US: Who Is Responsible for Safety Information, Regulations and Guidance about Lead in Consumer Products](#)

- [Bringing Standards Together: An International Framework \(July 18, 1995\)](#) (pdf)
- [Safety Sells Conference \(March 28, 1995\)](#)
- [Regulatory Reform Initiative: Summary Report](#)

Special Units

- [Safe On Line Shopping](#)

CPSC established an Internet surveillance project - Operation Safe On-Line Shopping (Operation SOS). The goal of this project is to find potentially hazardous being sold on the World Wide Web.

- [Special Investigations Unit](#)

CPSC established a Special Investigations Unit (SIU). This major new initiative is aimed at discovering and developing leads about hazardous products from a CPSC's current compliance and recall activities.

Test Manuals

- [Consumer Fireworks Testing Manual](#)
- [Bicycle Test Manual](#)
- [Bunk Bed Test Manual](#)
- [Cribs Test Manual](#)
- [Lawnmower Test Manual](#)
- [Mattress Test Manual](#)
- [Pacifiers Test Manual](#)
- [Rattle Test Manual](#)
- [Toys & Children's Products Test Manual](#)
- [Wearing Apparel Test Manual](#)

Other Testing/Reviewing

- [Individuals/Firms That Conduct Toxicological Review of Art Materials Formulations](#)

Thrift & Resale Store Guidance



Rattle Third-Party Certification

What tests need to be done by the accredited third-party lab?



Clutching Toy or Rattle

- 16 C.F.R. 1510 Rattles (choking – specific test fixture identified)
 - Lead-in Paint
 - Small Parts
 - Sharp Points or Edges
- Once Effective:
- ASTM F963
 - Lead Content
 - Phthalates

Rattle Third-Party Certification Timeline



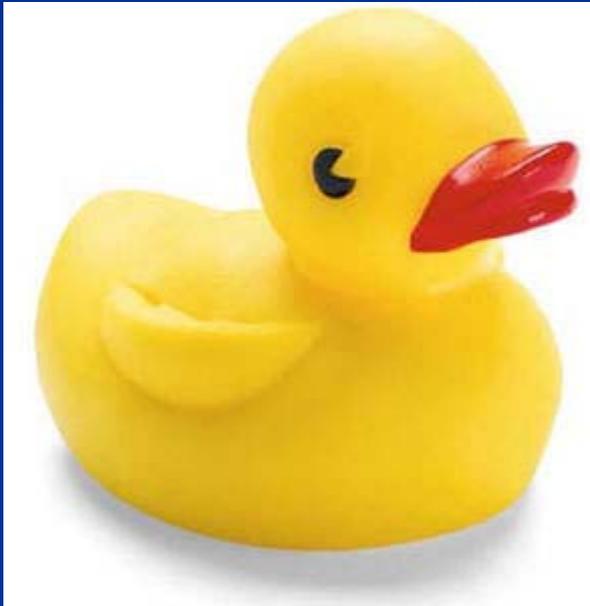
- Manufactured December 22, 2008
 - Certify to lead paint ban
- Manufactured April 4, 2009
 - Certify to lead paint ban and small parts regulations
- Manufactured August 29, 2009
 - Certify to lead paint ban, small parts regulations and lead content limits
- Manufactured October 2, 2009
 - Certify to all applicable children's product safety rules – includes all of the above plus phthalates, F963, the rattle test method . . .

“Rubber” Duck

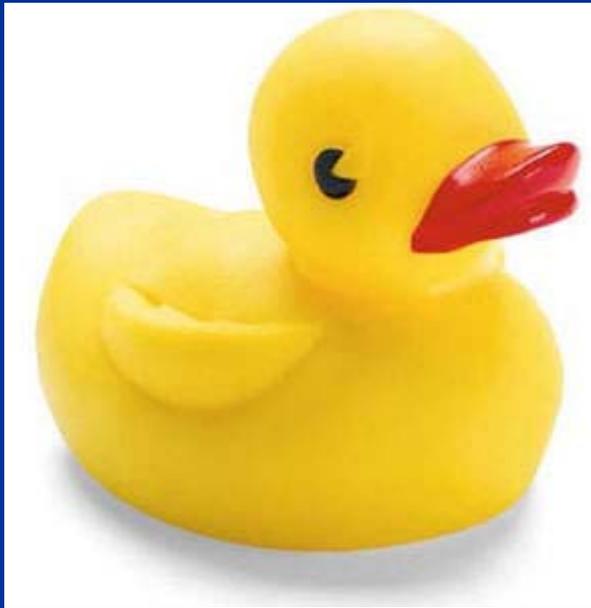
Third-Party Certification

“Tested to all applicable standards”:

- Lead-in-paint YES
- Small Parts YES
- Lead Content in Substrate YES
- Phthalates (once effective) YES
- Electrical Hazard? NO
- Strong Sensitizers? Probably



Third-Party Certification Timeline



- Manufactured on December 22, 2008
 - Certify to 600 ppm lead paint ban
- Manufactured on August 29, 2009
 - Certify to 90 ppm lead paint ban and 300 ppm lead content limit
- Manufactured on October 2, 2009
 - Certify to lead paint ban, lead content limit, phthalates standard, ASTM F963-07 et al.

Phthalates Definitions and Testing

Permanently Banned Phthalates

- **Children's Toy** – consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays
- **Child Care Article** – consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething

Phthalates Definitions and Testing

Interim Ban

- “. . . any children’s toy that can be placed in a child’s mouth or child care article . . .”
- “For purposes of this section a toy can be placed in a child’s mouth if any part of the toy can be brought to the mouth and kept in the mouth by a child so that it can be sucked or chewed. If the children’s product can only be licked, it is not regarded as able to be placed in the mouth. If a toy or a part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth.”

Children's Product vs. Children's Toy for Phthalates Certification

| | Children's Product | Children's Toy |
|-----------------------------|--------------------|--------------------------------|
| Decorative Room Accessories | Yes | No, unless item has play value |
| Shoes | Yes | No, unless item has play value |
| Children's Jewelry | Yes | Maybe |
| Sporting Goods | Yes | Maybe |

Going Forward

- Know your product and its constituent components
- Pay careful attention to the third-party testing requirements as they phase in over the next year
- Watch our website for the posting of additional accredited labs and test methods
- Comment on our Federal register notices and web postings

Questions and Answers