



UNITED STATES OF AMERICA  
CONSUMER PRODUCT  
SAFETY COMMISSION

# Third Party Testing of Children's Apparel

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# THIRD PARTY TESTING

## FOR CHILDREN'S PRODUCTS



1. Initial Certification Testing
  - Enforced January 1, 2012 (most products)
2. Component Part Testing
  - Effective December 8, 2011
3. Material Change Testing
  - Effective February 8, 2013
4. Periodic Testing for Continued Production
  - Effective February 8, 2013

# INITIAL CERTIFICATION TESTING



- Identify applicable regulatory requirements for your product
  - Based on:
    - Product/product class
    - Intended age audience & consumer use patterns
    - Product's material composition

# INITIAL CERTIFICATION TESTING



- Identify one (or more) **CPSC-accepted laboratories** to conduct testing for identified regulatory requirements.
- Certify in a **Children's Product Certificate (CPC)** based on passing test results.
- Provide CPC to retailers and distributors and, upon request, to CPSC or Customs (CBP).

# COMPONENT PART TESTING



- Voluntary; 16 CFR Part 1109



# COMPONENT PART TESTING



- Voluntary; 16 CFR Part 1109
- If a finished product manufacturer purchases a component from a supplier who voluntarily tests its product (e.g., a paint supplier), that manufacturer must “**exercise due care**” to rely upon the component part certificate or component part test results in drafting its own Children’s Product Certificate.
- The concept of due care is flexible, and it will vary depending upon the circumstances and the industry in question.

# COMPONENT PART TESTING



- For example, depending upon the industry and the circumstances, the exercise of due care may include:
  - asking questions about testing and sampling procedures;
  - requesting written test procedures;
  - ensuring the supplier’s third party laboratory is CPSC-accepted;
  - spot checking a supplier’s test results;
  - visiting a supplier’s factory or third party laboratory; or
  - agreeing contractually on testing and recordkeeping.
- Document your “exercise of due care.”
- Maintain records.



As of February 8, 2013...

# MATERIAL CHANGE TESTING



A material change means **any change** in the product's design, manufacturing process, or sourcing of component parts **that** a manufacturer exercising due care knows, or should know, **could affect the product's ability to comply** with applicable federal consumer product safety laws and regulations.

# MATERIAL CHANGE TESTING



If you – the manufacturer or importer – make a **material change** to the children’s product after initial certification, you must:

1. **Re-test** the affected component part or the product to the rules potentially affected by the material change; and
2. Issue a **new** Children’s Product Certificate

Mandatory; 16 CFR Part 1107

# PERIODIC TESTING



Periodic testing helps provide a manufacturer with a “**high degree of assurance**” that its children's product continues to be compliant with the applicable children's product safety rules **while production** of that product **continues** – and not just at the moment of initial testing and certification.

[www.cpsc.gov/periodic-testing](http://www.cpsc.gov/periodic-testing)

# PERIODIC TESTING



- If you – the manufacturer or importer – have continued production of your children’s product, you **must periodically retest** your product using a CPSC-accepted laboratory.
- Periodic testing **only applies if you have continued production.**
- **Mandatory; 16 CFR Part 1107**

# PERIODIC TESTING



- Periodic testing must be conducted at a minimum of 1-, 2-, or 3-year intervals, depending upon whether the manufacturer has:
  - a periodic testing plan;
  - a production testing plan; or
  - plans to conduct production testing using an accredited ISO/IEC 17025:2005 laboratory.

# PERIODIC TESTING PLAN



- 1-year minimum testing interval – but may need to be more frequent.
- A periodic testing plan must include:
  - the tests to be conducted;
  - the intervals at which the tests will be conducted; and
  - the number of representative samples tested.
- A “periodic testing plan” must be in writing, and no particular format is required.
- Key: Know your product, your manufacturing process, including strengths and vulnerabilities.

# PRODUCTION TESTING PLAN



- 2-year minimum testing interval using a CPSC-accepted laboratory
- During 2-year period, first party testing (or other means of assessing compliance) is acceptable
  - CPSC-accepted labs and methods are **not** required for production testing during 2-year interval period
- A “production testing plan” must be in writing, and no particular format is required.
- Key: Know your product, your manufacturing process, including strengths and vulnerabilities.

# PRODUCTION TESTING PLAN



- A production testing plan must describe:
  - the quality assurance techniques used in the manufacturing process;
  - the tests to be conducted, or the measurements to be taken;
  - the intervals at which those tests or measurements will be taken;
  - the number of samples tested; and
  - an explanation describing how these techniques and tests provide a high degree of assurance of continued compliance with the applicable regulations, particularly if they are not the tests prescribed for the applicable children's product safety rule.

# REASONABLE TESTING PROGRAM

## FOR NON-CHILDREN'S PRODUCTS



- Commission has not issued a regulation mandating the general requirements for a “reasonable testing program.”
- Staff guidance provided on the website suggests best practices for a reasonable testing program – but the guidance is not mandatory.
- General Conformity Certificate (GCC) is required.

# REASONABLE TESTING PROGRAM

## FOR NON-CHILDREN'S PRODUCTS



- A reasonable testing program should provide a manufacturer or importer with a high degree of assurance that its consumer product complies with the applicable consumer product safety rule or standard.
- A reasonable testing program should be in writing and should be approved by the senior management of the manufacturer (or importer).
- Best practice to maintain your records on file in a manner similar to the recordkeeping requirements that apply to children's products.

# REASONABLE TESTING PROGRAM

## FOR NON-CHILDREN'S PRODUCTS



- Should be based on the considered judgment and reasoning of the manufacturer (or importer) concerning the number, frequency, and methods of tests to be conducted on the products.
- Should be reasonable assumptions for the industry in which the manufacturer (or importer) operates, including such factors as:
  - the nature and length of the manufacturer's relationship with their vendors and suppliers,
  - the types of materials and processes used in production, including the potential for variability in those materials or processes and potential for harm in the event of a problem.

# RECORDKEEPING



## PERIODIC/PRODUCTION TESTING

- For **5 years**, a manufacturer must maintain records of:
  - its periodic or production testing plan;
  - its periodic and/or production testing results; and
  - records documenting the testing of representative samples, including the number of samples selected, the procedure used to select samples, and the basis for inferring compliance of the product based on the results of the tested samples.
- Recommendation: Maintain documentation of the other actions the manufacturer has taken to secure a high degree of assurance that its products comply with the applicable children's product safety rule.

# RECORDKEEPING



## INITIAL CERTIFICATION/MATERIAL CHANGE TESTING

- For **5 years**, a manufacturer must also maintain records of:
  - all Children’s Product Certificates;
  - all third party certification test results from initial certification and material change testing;
  - and all descriptions of material changes in a product’s design, manufacturing process, and sourcing of component parts during the continued production of a product.

# RECORDKEEPING

## COMPONENT PART TESTING



- For **5 years**, each testing party and certifier must have access to the following records:
  - Test reports, including the test values, if any;
  - Identification of the party that conducted each test.
  - Identification of the:
    - component part or the finished product tested;
    - lot or batch tested;
    - the applicable rules tested;
    - testing method(s) and sampling protocol(s) used;
    - date or date range when the component part or finished product was tested;

# RECORDKEEPING

## COMPONENT PART TESTING



- For **5 years**, each testing party and certifier must also have access to the following records and attestations:
  - Component part certificate(s) or finished product certificate(s), if any;
  - Records to support traceability to the party that had the component part or finished product tested;
  - **Attestation** by the party conducting testing that it was performed in compliance with section 14 of the CPSA, part 1107, or any more specific applicable rules; and

# RECORDKEEPING

## COMPONENT PART TESTING



- **Attestation** by each certifier and testing party that while the component part or finished product was in its custody, it **exercised due care** to ensure:
  - a) proper management and control of raw materials, component parts, subassemblies, and finished products;
  - b) that the manufacturing process did not result in a prohibited level of a chemical from any source; and
  - c) that no action or inaction subsequent to testing and before distribution in commerce has occurred that would affect compliance.

# UNDUE INFLUENCE TRAINING



- Manufacturers and their employees **must not exert undue influence** on testing laboratories to alter test methods or test results that serve as the basis for certifying a product's compliance under federal law.
- Every appropriate staff member must **receive training** on avoiding undue influence and **sign a statement** evidencing the training.
  - Digital signatures are acceptable.
- Reports alleging undue influence can be filed confidentially with the CPSC Office of the Secretary.

# RESOURCES



Third Party Testing

[www.cpsc.gov/testing](http://www.cpsc.gov/testing)



Desktop Reference Guide

[www.cpsc.gov/desktopguide](http://www.cpsc.gov/desktopguide)

CPSIA Resources

[www.cpsc.gov/GettingStarted](http://www.cpsc.gov/GettingStarted)

Email list signup

[www.cpsc.gov/smallbiz](http://www.cpsc.gov/smallbiz)



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Slideshare

Downloadable Presentations

[www.SlideShare.net/USCPSC](http://www.SlideShare.net/USCPSC)



# THANK YOU

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